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# THE PHILIPPINES



# AND THE PURPOSE.

**Being the Facts Concerning the Philippines and  
the Acts of the Administration in Relation  
Thereto, as Officially Transmitted by the  
President to Congress—Proving the Purpose  
of Imperialism.**

**By A. W. THOMAS,**

**Of Chicago Bar, Author, "Democracy and Direct Legislation."**



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## P R E F A C E .

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The Records from which the citations made in this book are obtained, are not generally accessible to the voters of this country. Of "Senate Document 62" there were printed for use of the Senate only twenty-five hundred copies, and this supply has long been exhausted. The Republicans of the House of Representatives have refused to order any further edition of this document which so clearly shows the incriminating record of the present Administration.

Vols. 1-4 of "Messages and Documents, 1898-9," are costly books, with maps and illustrations, of small edition, only intended for use of members of Congress and army and navy officers.

The supply of "Report of Philippine Commission, Vol. 1," is limited and nearly used up.

6-15-43 (JWC)  
C The "Philippines and the Purpose" has for its object the presentation, for use in the approaching Presidential campaign, of facts, taken as above indicated, which the advocates of Imperialism are estopped from denying, and which they will hardly attempt to gainsay. I believe it will form an unimpeachable "Fact Book" useful in the struggle, so near at hand, whereby are assailed, not only the principles of the Declaration of Independence, but the liberties of the American people as well.

A. W. THOMAS.

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## The Problem of the Philippines—The Record.

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Those who endorse the course of the present Administration in our foreign relations deny that there has been or is any purpose therein to maintain imperialistic principles. They scoff at the idea that imperialism is, or can be made, an issue in American politics. Nevertheless, a large proportion, if not the majority, of the voters in this country are discussing in all seriousness the question whether or not imperialism is threatening the perpetuity of our republican form of Government and the destruction here of Democracy.

An imperial government or empire differs radically from a republic or Democracy. The latter, as expressed by Lincoln, "Is a government of the people, by the people, and for the people." It is based upon the sovereignty of the people-acting directly, or, as in our Government, through representatives of all the people whereby is sought to be established and maintained equality of right for all persons within its jurisdiction. Self-government is the essence of Democracy. Within the dominion of such a government there can be no inequality of political rights nor recognition of class rule or privilege. A republic is a nation, not a collection of nations. In an empire, on the other hand, the ruler or emperor is the supreme source of governmental authority; and sovereignty is imposed upon instead of springing from the people. An empire always includes subjects of different nationalities; and throughout its constituent parts maintains political inequalities in the administration of its government. In such a government supremacy of vested authority and of class distinctions banishes all thought of political equality or self-government. Imperialism is the spirit of empire—and is so defined.

The revolt of the Colonies in 1776 was against imperialism. The Declaration of Independence denied the justice of imperialistic British rule and proclaimed the doctrine of "the consent of the governed." Our fathers then and all through that long struggle for independence fought for self-government, home rule, and all those rights of political equality which later on they embodied in the Constitution. Claiming those rights they renounced allegiance as colonists and established Democracy and a republic. They had no thought of setting up an imperialism of their own, or of ever attempting to hold colonies, or of main-

taining a colonial system anywhere. Through all their history, and of their descendants here, and of the American people there had never been a suggestion of such a thing up to the time of the destruction of the Spanish fleet at Manila Bay.

The destruction of the Spanish fleet brought before the American people and the Administration the problem of what course to pursue in reference to the Philippine people; and in reference to the perpetuation of Democratic principles at home, and to the establishment of the same in the East.

The Administration had for its guidance the Democratic principles incorporated into the foundation, indeed, of our Government, and maintained hitherto as the fixed purpose of the American people. It had also the declaration of the representatives of the people in Congress made in reference to the Cubans on April 20, 1898, as follows:

Resolved by the Senate and House of Representatives of the United States of America in Congress assembled,

First—That the people of the Island of Cuba are, and of right ought to be free and independent.

Second—That it is the duty of the United States to demand, and the Government of the United States does hereby demand that the government of Spain at once relinquish its authority and government in the Island of Cuba and withdraw its land and naval forces from Cuba and Cuban waters.

Third—That the President of the United States be, and he hereby is, directed and empowered to use the entire land and naval forces of the United States, and to call into the actual service of the United States the militia of the several States, to such extent as may be necessary to carry these resolutions into effect.

Fourth—That the United States hereby disclaims any disposition or intention to exercise sovereignty, jurisdiction, or control over said island, except for the pacification thereof, and asserts its determination when that is accomplished to leave the government and control of the island to its people.

In what follows is sought to be presented, in as concise and accurate a manner as possible, the salient facts regarding the acts and attitude of the Administration in negotiating the late treaty of peace with Spain, and in its course pursued with reference to the Philippine question. These facts are taken from the only official communication ever made to Congress by the President regarding the same, namely: (First) "Message from the President of the United States transmitting a Treaty of Peace between the United States and Spain, signed at the City of Paris, December 10th, 1898," known as Senate Doc., No. 62, 55th Congress, 3d Session, January 4th, 1899. (Second) "Report of the Philippine Commission to the President, Vol. I, January 31st, 1900." The former (Doc. 62) contains 677 pages, embracing the treaty itself and proceedings leading up to the signing

of the same, and reports of hearings had and documents submitted to the Commissioners at Paris in the course of its sessions there held. The latter (The Report of the Philippine Commission) contains 266 pages of the proceedings had, the investigations and conclusions of the Commission.

In addition to these two official communications (Doc. 62 and Report of Phil. Com.) use has been made of "Message and Documents Abridgment," submitted to the two Houses of Congress by the President, 3d session of 55th Congress, 1898-1899, Vols. I-IV.

It is impossible in the limits of what follows to trace in full detail the successive steps of the course of the Administration as to the above. It is believed, however, that the citations here made fairly present facts upon which proper conclusions can be drawn affecting the question whether or not the present Administration has a purpose of imperialism, or whether imperialism is, or in the near future will be, an issue in American politics.

During the interval of time shortly preceding at and following the declaration of war against Spain, three consuls of the United States, Rounsevelle Wildman at Hongkong, E. Spencer Pratt at Singapore, and Oscar F. Williams at Manila, were then and there performing the duties of their offices, respectively, and were in comparatively close and active communication with the Administration. These consuls, as agents of the Administration came at that time directly in contact with Aguinaldo and other representatives of the Filipino people in the course of such official duties. From their acts then performed, sanctioned or disapproved of, as the case may be, as set forth in the Consular Reports on Philippine Affairs, appended to and made a part of the President's message (Senate Doc. No. 62) can be gathered some conception of the attitude of the Administration upon the Philippine question at that time. The official record on these matters is here presented.

Also herein are set forth, from the same source (Senate Doc. 62), the official acts of Admiral Dewey and other naval and army officers who at the same time had more or less to do with the Filipinos and their representatives.

To these are added from the same source (Senate Doc. 62) the history of the acts of Aguinaldo and the Filipino people during the same interval. The entire record, together with numerous memoranda and a review of the direct acts of the Administration itself, in connection with the above, will shed much light upon the purpose of the Administration then and since that time as regards the Philippine question.

## The Philippine Insurrection and the Spaniards— General Greene's Statement.

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An extract from the testimony of Gen. F. V. Greene concerning the events in the Philippines prior to the signing of the protocol agreement at Washington August 12, 1898, submitted in writing to the American Peace Commissioners at Paris during their session there, is valuable by reason of its conciseness. Concerning General Greene's reliability as a witness, General Merritt testified before the Commission. He offered a communication from Gen. F. V. Greene, U. S. V., which was read by the secretary. General Merritt said (Doc. 62, p. 362):

This communication was written without a knowledge on his part that it would be laid before the Commission, so he probably expresses himself a little more strongly than he would if he knew he was talking to you gentlemen having this matter in charge. I consider his views exceedingly good, and they are supported by the views of others who have reported on the different subjects mentioned there, and I can say that generally they are all men of ability and men whose views would have a great deal of weight with me. He was in Russia a while, and wrote the best and most authentic—the best received—book on the Russian-Turkish war published yet. He is a man who read a great deal; quite a student; a very bright man; a graduate from the Academy; regular army officer; had been instructor of engineering at the Academy. He went to Manila the same time that I did and left at the same time. He was on the lines all the time, and took a great deal of interest investigating with the citizens and soldiers. He knew some of the ranking officers, although he did not know Aguinaldo or have anything to do with him. It was part of my policy that we should keep aloof from Aguinaldo as much as possible, because we knew trouble would occur from his wanting to go to Manila at the time of surrender. I should place a great deal of reliance upon the judgment of General Greene.

General Greene, in his report, did not favor the independence of the Filipinos, but the following facts are stated therein regarding the insurgent civil administration (Doc. 62, pp. 421-2):

On the 24th day of April (1898) Aguinaldo met the United States Consul and others at Singapore, and offered to begin a new insurrection in conjunction with the operations of the United States Navy at Manila. This was telegraphed to Admiral Dewey, and by his consent, or at his request, Aguinaldo left Singapore for Hongkong on April 26th; and when the McCulloch went to Hongkong early in May to carry the news of Admiral Dewey's victory, it took Aguinaldo and seventeen other revolutionary chiefs on board and brought them to

Manila Bay. They soon after landed at Cavite, and the Admiral allowed them to take such guns, ammunitions and stores as he did not require for himself. With these and some other arms which he had brought from Hongkong, Aguinaldo armed his followers, who rapidly assembled at Cavite, and in a few weeks he began moving against the Spaniards. Part of them surrendered, giving him more arms, and others retreated to Manila.

Soon afterwards two ships which were the private property of Signor Agoncillo and other insurgent sympathizers, were converted into cruisers and sent with insurgent troops to Subig Bay and other places to capture provinces outside of Manila. They were very successful, the native militia in Spanish service capitulating with their arms in nearly every case without serious resistance. On the 18th of June Aguinaldo issued a proclamation from Cavite establishing a dictatorial government with himself as a dictator. In each village or pueblo a chief (*jefe*) was to be elected, and in each ward a head man (*cabaza*); also in each pueblo three delegates—one of police, one of justice, and one of taxes. These were to constitute the junta or assembly, and after consulting the junta, the chiefs of pueblo were to elect a chief of council, a chief of province, and three councilors—one of police, one of justice, and one of taxes. They were also to elect one or more representatives from each province to form a revolutionary congress.

This was followed on June 20th by a decree giving more detailed instruction in regard to elections. On June 23d another decree followed changing the title of the government from dictatorial to revolutionary, and of the chief officer from dictator to president; announcing a cabinet, with a minister of foreign affairs, marine, commerce, and of war, and of public works, another of police and of internal order, justice, instruction, and hygiene, and another of taxes, agriculture, and manufactures; the powers of the president and of congress were defined, and a code of military justice was formulated."

On the same date a manifesto was issued to the world explaining the reasons and purpose of the revolution. On June 27th another decree was issued containing instructions in regard to elections. On August 6th an address was issued to foreign governments, stating that the revolutionary government was in operation and controlled fifteen provinces, and that in response to the petition of the newly elected chiefs of these provinces an appeal is made for recognition of belligerency and independence. Translations of these various documents are all appended, marked B, C, D, E, F, G.

In regard to the insurrection of 1896 General Greene's statement continued (Doc. 62): That it broke out in Cavite under the leadership of Emile Aguinaldo and soon spread to other provinces on both sides of Manila. That finally the governor general entered into a written agreement with Aguinaldo, which required that he and other insurgent leaders should leave the country, the Government agreeing to pay them \$800,000 in silver, and promising to introduce numerous reforms, including representation in the Spanish Cortes, freedom of the press, general amnesty of all insurgents, and the expulsion or secularization of the monastic orders.

Continuing, General Greene's memorandum states that only \$400,000 of the money was deposited in the bank at Hongkong, and one of Aguinaldo's subordinate chiefs, named Artacho, sued for a division of the fund:

Which fact is interesting on account of the very honorable position taken by Aguinaldo. Aguinaldo claimed that the money was a trust fund, and was to remain on deposit until it was seen whether the Spaniards would carry out their promised reforms, and if they failed to do so, it was to be used to defray the expense of a new insurrection. The suit was settled out of court by paying Artacho \$5,000. No steps having been taken to introduce the reforms, more than 2,000 insurgents, who had been deported to Fernando Po and other places, are still in confinement, and Aguinaldo is now using the money to carry on the operations of the present insurrections.

Following the outline of the situation in the Philippines during the period mentioned as thus given in General Greene's report, an account of the same as it appeared to Consuls Pratt, Williams, and Wildman, spectators and actors in those events at their respective stations, Singapore, Manila and Hongkong, is of much interest, and hereinafter follow.





## Consul Pratt's Foresight and the Consequences Thereof.

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Is the name of Pratt, E. Spencer Pratt, destined to be immortal? Over in Singapore one sultry April day in 1898 Consul General Pratt, our consul and fellow-countryman, smoked a fragrant Manila cheroot, as one dusky attendant swung his hammock and another servitor, equally as dusky, fanned his fevered brow—scattering the flies to the right and left with studious grace and assiduity. Pratt was anxious for his country's weal, and his patriotic heart yearned to do his duty and earn his salary. By a supreme effort of will he called another trusty slave and bade him step to the edge of the veranda—full three feet away—and look out over the tropic sea in search of the fleet of the then Commodore Dewey, which was supposed to be cruising in the waters around Hongkong.

In that listless clime no consul general, however ambitious he may be, ever turns an eye or lifts a finger on any occasion when the purpose in mind can as well be executed by an attendant, so Pratt, pendulum-like, continued to vibrate to and fro—and the voice of the bulbul was heard in the land.

In due time, in course of several hours, for time and eternity are unnoted in the tropics, the slave again appeared, and after the usual prostrations due to a consul general, in accents sweet and low made known to his worship that no fleet was in sight. Black despair settled down upon Pratt, and he was just about to order another iced sherbet, when a message was brought to him from one W. H. Bray, a temporary resident of Singapore. The results of that message, thus received, and the struggles of Pratt to act well his part in the great drama of events then about to be enacted in the far East, are outlined in the following correspondence between him and the State Department at Washington, and embalmed in Document 62 herein referred to.

Pratt loved his country. Pratt sought to do his duty as he saw it. What he did do was as far reaching in effect, perhaps, as the thunder of Dewey's guns in Manila Bay; but Dewey is now one of the immortals, he has a monument and a house, and his name will go thundering down, etc., etc.—but where is Pratt? In what galleries will his name echo, and what has he got for all

his toil and fervid aspirations? One thing he did get, and that is the displeasure of the Department of State at Washington. The correspondence is as follows:

(DOC. 62, PAGES 341-4.) MR. PRATT TO MR. DAY.—(Confidential.)  
(No. 212.) Consulate General of the United States,

Singapore, April 28, 1898.

Sir—I have the honor to report that I sent you on the 27th inst., and confirmed in my dispatch, No. 212, of that date, a telegram, which deciphered read as follows:

"Secretary of State, Washington:

"General Aguinaldo gone my instance Hongkong arrange with Dewey cooperation insurgents Manila. PRATT."

The facts are these: On the evening of Saturday, the 23d, inst., I was confidentially informed of the arrival here, incognito, of the supreme leader of the Philippine insurgents, General Emilio Aguinaldo, by Mr. H. W. Bray, an English gentleman of high standing, who, after fifteen years residence as a merchant and planter in the Philippines, had been compelled by the disturbed condition of things resulting from Spanish misrule to abandon his property and leave there, and from whom I had previously obtained much valuable information for Commodore Dewey regarding fortifications, coal deposits, etc., at different points in the islands.

Being aware of the great prestige of General Aguinaldo with the insurgents, and that no one, either at home or abroad, could exert over them the same influence and control that he could, I determined at once to see him, and, at my request, a secret interview was accordingly arranged for the following morning, Sunday, the 24th, in which, besides General Aguinaldo, were only present the General's trusted advisors and Mr. Bray, who acted as interpreter.

At this interview, after learning from General Aguinaldo the state and object sought to be obtained by the present insurrectionary movement, which, though absent from the Philippines, he was still directing, I took it upon myself, whilst explaining that I had no authority to speak for the government to point out the danger of continuing independent action at this stage; and, having convinced him of the expediency of co-operating with our fleet, then at Hongkong, and obtained the assurance of his willingness to proceed thither and confer with Commodore Dewey to that end, should the latter desire. I telegraphed the Commodore the same day, as follows, through our Consul General at Hongkong:

"Aguinaldo, insurgent leader, here. Will come Hongkong arrange with Commodore for general cooperation insurgents Manila if desired. Telegraph. Pratt."

The Commodore's reply reading thus:

"Tell Aguinaldo come as soon as possible. Dewey."

I received it late that night, and at once communicated to Aguinaldo, who, with his aide-de-camp, all under assumed names, I succeeded in getting off by the British steamer Malacca, which left here on Tuesday, the 26th. Just previous to his departure, I had a second and last interview with General Aguinaldo, the particulars of which I shall give you by next mail.

The General impressed me as a man of intelligence, ability, and courage, and worthy the confidence that had been placed in him.

I think that in arranging for his direct cooperation with the commander of our forces, I have prevented possible conflict of action and facilitated the work of occupying and administering the Philippines.

If this course of mine meets with the Government's approval, as I trust it may, I shall be fully satisfied. To Mr. Bray, however, I con-

sider there is due some special recognition for his most valuable services rendered. How that recognition can best be made I leave to you to decide.

I have, etc., E. SPENCER PRATT, U. S. Consul General.

(DOC. 62, PAGES 342-3.) MR. PRATT TO MR. DAY.

(213.) Consulate General of the United States,

Singapore, April 30, 1898.

Sir—Referring to my dispatch, No. 212, of the 28th inst., I have the honor to report that in the second and last interview I had with General Emilio Aguinaldo on the eve of his departure for Hongkong, I enjoined upon him the necessity, under Commodore Dewey's direction, of exerting absolute control over his forces in the Philippines, as no excesses on their part would be tolerated by the American Government, the President having declared that the present hostilities with Spain were to be carried on in strict accord with modern principles of civilized warfare.

To this General Aguinaldo fully assented, assuring me that he intended and was perfectly able, once in the field, to hold his followers, the insurgents, in check and lead them as our commander should direct.

The General further stated that he hoped the United States would assume protection of the Philippines for at least long enough to allow the inhabitants to establish a government of their own in the organization of which he would desire American advice and assistance. These questions I told him I had no authority to discuss. I have, etc.

E. SPENCER PRATT, United States Consul General.

Over the seas was borne Consul General Pratt's confidential No. 212, and in due time placed in the hands of Secretary Day at Washington. On the reading of that special a shiver ran up the spine of our esteemed Secretary. He did not swear, but he trotted speedily over to the White House. No sooner was the matter laid before the President than, as the Spanish Commissioners put it (page 185, Doc. 62) "he was visibly displeased," and, as is his custom on every great crisis of State, telephoned to Senator Hanna begging him to call at the White House immediately. Down Pennsylvania avenue whirled the automobile bearing on his way Mark the Trusty. A hurried conference was held, and as a result a telegram, over the lands and down under the depths of the seas, half way round the globe, instant sped to Consul Pratt at Singapore. It was as follows:

(Doc. 62, p. 353.) MR. DAY TO MR. PRATT.—(Telegram)

Department of State, June 16, 1898.

Two hundred and twelve received and answered. Avoid unauthorized negotiations with Philippine insurgents. DAY.

At the same time Secretary Day was instructed to send at once by mail a letter to Consul Pratt. The letter was as follows:

(DOC. 62, PAGE 354.) MR. DAY TO MR. PRATT.

(No. 78.) Department of State,  
Washington, June 16, 1898

Sir—I have to acknowledge receipt of your confidential dispatch, No. 212, of the 28th of April last, in which you report your proceedings in bringing together the insurgent general, Emilio Aguinaldo, and Admiral Dewey, before the latter's departure for Manila. It appears that your meeting with General Aguinaldo was brought about through the good offices of Mr. H. W. Bray, a British subject, who had been compelled by the disturbed condition of things in the Philippines to abandon his property and business there, and that after an interview with General Aguinaldo you telegraphed to Admiral Dewey that the insurgent leader would come to Hongkong to arrange for a general cooperation of the insurgents if this should be desired. The Admiral telegraphed in reply: "Tell Aguinaldo come as soon as possible." As a consequence General Aguinaldo, with his aid-de-camp and private secretary, left Singapore for Hongkong on the 26th of April for the purpose of joining Admiral Dewey. You promised the Department a fuller account of your interview with General Aguinaldo by the next mail, and say that in arranging for his "direct cooperation" with the commander of the United States forces, you have prevented a possible conflict of action and facilitated the work of occupying and administering the Philippines.

The Department observes that you informed General Aguinaldo that you had no authority to speak for the United States; and, in the absence of the fuller report which you promised, it is assumed that you did not attempt to commit this Government to any alliance with the Philippine insurgents. To obtain the unconditional personal assistance of General Aguinaldo in the expedition to Manila was proper, if in so doing he was not induced to form hopes which it might not be practicable to gratify. This Government has known the Philippine insurgents only as discontented and rebellious subjects of Spain, and is not acquainted with their purposes. While their contest with that power has been a matter of public notoriety, they have neither asked nor received from this Government any recognition. The United States, in entering upon the occupation of the islands, as the result of its military operations in that quarter, will do so in the exercise of the rights which the state of war confers, and will expect from the inhabitants, without regard to their former attitude toward the Spanish government, that obedience that will be lawfully due from them.

If, in the course of your conferences with General Aguinaldo, you acted upon the assumption that this Government would cooperate with him for the furtherance of any plan of his own, or that in accepting his cooperation, it would consider itself pledged to recognize any political claim which he may put forward, your action was unauthorized and can not be approved.

Respectfully, WM. R. DAY.

The Secretary is no slouch with a pen, and his characterization of "the Philippine insurgents as discontented and rebellious subjects of Spain," is particularly happy. What right had they to hope for aid from the great American Republic, the "cradle of liberty," as Aguinaldo styles it. Nevertheless, as the worthy Secretary declared in that communication "to obtain the unconditional personal assistance of General Aguinaldo in the expedition to Manila was proper, if in so doing he was not

induced to form hopes," etc., etc. Of course it was proper—the Filipinos were to be permitted to die in the service of the United States, but they were not to be allowed ever to dream of self-government in their own land!

Unfortunately, before the telegram was received by Consul General Pratt, luckless Pratt, he had already mailed to the Department his letter of May 5th, No. 217, with enclosure from the Singapore Free Press, the letter of June 2d (No. 225), also with enclosure and his letter of June 9th (No. 229), with the enclosure from the Singapore Free Press and Straits Times, entitled "Spencer Pratt's Serenade," which are respectively as follows:

(DOC. 62, P. 343.) MR. PRATT TO MR. DAY.

(No. 217.) The Consulate General of the United States,  
Singapore, May 5, 1898.

Sir—I regret to have to report that the circumstances attending the departure here of General Emilio Aguinaldo to join Commodore Dewey, which I had endeavored so hard to prevent being disclosed, were, in substance, made public in yesterday's edition of the Singapore Free Press, from the enclosed copy of which you will note by reference to my reports Nos. 212 and 213, of the 28th and 30th ultimo, respectively, that though the facts are in the main correctly given, the dates are not quite accurate and a certain amount of conjecture has been indulged in as regards my action in the matter and that of the Commodore.

Almost immediately after the occurrence, the editor of the above journal told me he had been informed, but declined to say by whom.

I endeavored to get him to promise to keep the whole affair quiet, but though he would not agree to this, he gave me his word not to mention it until after sufficient time should have elapsed to admit of General Aguinaldo's reaching Hongkong, which he must already have done, hence no harm can come of the disclosure, and although it is annoying, I suppose I should rather congratulate myself that the secret possessed by such a number was kept so long.

I have, etc.,

E. SPENCER PRATT, U. S. Consul General.

(Doc. 62, p. 343-5—Enclosure, the Singapore Free Press, Wednesday, May 4, 1898.)

The article in question narrates at length the occurrences of the rebellion in the Philippines in 1896 and 1897 and how the Spanish government having offered to grant on December, 1897, certain reforms demanded by the insurgents, Aguinaldo and his associates went to Hongkong; and that the agreement of the Spanish government had not been kept and therefore Aguinaldo and his associates came to Singapore to take steps to renew the insurrection.

The Journal narrates how that in Singapore, through the intervention of Mr. Bray, General Aguinaldo and Consul Pratt met and had interviews. That in these interviews Aguinaldo agreed to cooperate on land with the naval forces of Admiral

Dewey at Manila against the Spanish, and that Aguinaldo declared his ability "to establish a proper and responsible government on liberal principles, and he would be willing to accept the same terms for the country as the United States now intended giving Cuba."

Thereupon the Journal states "the Consul General of the United States, concurring with the general's views expressed during the discussion, placed himself at once in telegraphic communication with Admiral Dewey at Hongkong, between whom and Mr. Pratt frequent exchange of telegrams consequently took place. As a result of these interviews General Aguinaldo left Singapore for Hongkong to join Dewey at Manila."

The Journal adds that General Aguinaldo's policy embraces the independence of the Philippines and that American protection would be desirable temporarily on the same lines as that which might be instituted hereafter in Cuba. That the ports of the Philippines would be free to the trade of the world, safeguards being erected against an influx of Chinese aliens who would compete with the industrial population of the country.

(DOC. 62, P. 346.) MR. PRATT TO MR. DAY.

(No. 225.) Consulate General of the United States,  
Singapore, June 2, 1898.

Sir—I have the honor to submit enclosed a telegram from Hongkong of the 25th ultimo, on the situation in the Philippines, published in Singapore yesterday afternoon, the 1st instant.

Considering the enthusiastic manner General Aguinaldo has been received by the natives and the confidence with which he already appears to have inspired Admiral Dewey, it will be admitted, I think, that I did not overrate his importance, and that I have materially assisted the cause of the United States in the Philippines in securing his cooperation.

Why this cooperation should not have been secured to us during the months General Aguinaldo remained awaiting events in Hongkong, and that he was allowed to leave there without having been approached in the interests of our Government, I can not understand.

No close observer of what has transpired in the Philippines during the past four years could have failed to recognize that General Aguinaldo enjoyed above all others the confidence of the Filipino insurgents, and the respect alike of Spaniards and foreigners in the islands, all of whom vouched for his high sense of justice and honor. I have the honor, etc.,

E. SPENCER PRATT, U. S. Consul General.

(DOC. 62, P. 347.) ENCLOSURE.

(The Singapore Free Press, Wednesday, June 1, 1898, Hongkong telegram, June 25th.)

#### THE WAR—THE SITUATION IN THE PHILIPPINES.

The Japanese cruiser, Atkitsuishima, arrived here yesterday from Manila, and the following is the latest news:

General Aguinaldo arrived by the McCulloch on the 19th inst., and was received with great enthusiasm by the natives. Admiral Dewey was very much pleased with him, and turned over to him 2 modern

field pieces and 300 rifles, with plenty of ammunition. General Aguinaldo is now organizing an attack on the Spanish land forces, and a decisive battle may be expected soon.

The Manila papers are publishing sensational articles hourly, among them is that the U. S. S. Baltimore is so used up in the late engagement that the American admiral decided to scuttle her.

The archbishop assured the people that four Spanish battleships are on their way out and that God had informed him that in the next engagement the arms of the most Christian Spain would be victorious.

(DOC. 62, P. 350.) MR. PRATT TO MR. DAY.

(No. 229.) Consulate of the United States,

Singapore, June 9, 1898.

Sir—I have the honor to report this afternoon, that on the occasion of the receipt of the news of General Aguinaldo's recent successes near Manila, I was waited upon by the Filipino insurgents in Singapore and presented an address which, though written in Spanish, was delivered in French, and which I accordingly replied to in that language.

The reports of the proceedings sent me by the editors of the Singapore Free Press and Straits Times, both of whom were present, I submit herewith with duplicates for the press, should you consider their publication desirable.

The original address in Spanish was not left with me, but I can promise it as soon as properly written out, and will then furnish it. My reply, however, I can not furnish, as it was not written but extemporaneous, and has been correctly rendered from the French into the English within the within reports, from which you will note that I avoided touching upon the question of our future policy re the Philippines.

I have, etc.

E. SPENCER PRATT, U. S. Consul General.

The enclosures from the Singapore Free Press and Straits Times narrated the details of the presenting of the address to Consul General Pratt, and quotes the address which contains the following (Doc. 62, p. 351-3):

Our countrymen at home and those residing here, refugees from Spanish misrule and tyranny in our beloved land, hope that the United States, your nation, persevering in its humane policy will efficaciously second the program arranged between you, sir, and Admiral Dewey in this port of Singapore, and secure to us our independence under the protection of the United States. Our warmest thanks are especially due to you, sir, personally for having been the first to cultivate relations with General Aguinaldo and arrange for the cooperation with Admiral Dewey, thus supporting our aspirations—which time and subsequent action have developed and caused to meet with the applause and approbation of your nation.

In the reply of Consul General Pratt on the acceptance of the above address, as set forth in the newspaper report, occurs the following:

When six weeks ago I learned that General Aguinaldo had arrived incognito in Singapore I immediately sought him out. An hour's interview convinced me that he was the man for the occasion, and having communicated with Admiral Dewey, I accordingly arranged for him to join the latter, which he did at Cavite. The rest you know. I

am thankful to have been the means, though merely the accidental means, of bringing about the arrangement between General Aguinaldo and Admiral Dewey, which has resulted so happily.

The presentation of the speech to Pratt was followed by the presentation by Pratt, on the request of the Filipinos themselves, of an American flag, which was received with hearty cheers by the assembled Filipinos, and they, as the report states, "being Christians," and therefore able to partake of alcoholic drinks, drank to the health of the United States and of Consul General Pratt in the refreshments provided by our worthy representative.

Conscious in the rectitude of his own intentions to treat Aguinaldo and the Filipinos fairly, Pratt continued to send various communications to the Department as to minor details of the service until the receipt from the Department of No. 87, which is as follows:

(DOC. 62, PAGE 356.) MR. DAY TO MR. PRATT.

(No. 87.) Department of State,  
Washington, July 20, 1898.

Sir—Your No. 229, of the 9th ult., enclosing printed copies of a report from the Straits Times of the same day, entitled "Mr. Spencer Pratt's Serenade," with a view to its communication to the press, has been received and considered.

By Department's telegram of the 17th of June you were instructed to avoid unauthorized negotiations with the Philippine insurgents. The reasons for this instruction were conveyed to you in my No. 78, of the 16th of June, by which the President's views on the subject of your relations with General Aguinaldo were fully expressed.

The extract now communicated by you from the Straits Times of the 9th of June has occasioned a feeling of disquietude and a doubt as to whether some of your acts may not have borne a significance and produced an impression which this Government would be compelled to regret.

The address presented to you by the twenty-five or thirty Filipinos who gathered about the consulate, disclosed an understanding on their part that the object of Admiral Dewey was to support the cause of General Aguinaldo and that the "ultimate object of our action is to secure the independence of the Philippines under the protection of the United States." Your address does not repel this implication, and it moreover represents that General Aguinaldo was "sought out by you," whereas it had been the understanding of the department that you received him only upon the request of a British subject named Bray, who formerly lived in the Philippines. Your further reference to General Aguinaldo, "the man for the occasion," and to your "bringing out" the arrangement between "General Aguinaldo and Admiral Dewey, which resulted so happily," also represents the matter which causes apprehension, lest your action may have laid the grounds of future misunderstandings and complications.

For these reasons the Department has not caused the article to be given to the press, lest it might seem thereby to lend a sanction to use the expression of which it had not authorized.

Respectfully yours, WM. R. DAY.

After the receipt of the telegram of June 16, 1898, and of the letter of same date (No. 78) and letter of July 20 (No. 87)



from Secretary Day, Consul General Pratt wrote several letters to the Department in explanation of his relations with Aguinaldo, asserting therein that he at no time held out to General Aguinaldo any hopes of aid for the insurgents from the Government of the United States, and wriggling under the severe rebukes of the State Department, as all Consul Generals are wont to do under similar circumstances.

One letter from Consul General Pratt to the Department, however, is of special interest as introducing to the Administration and to the American people, one whom all will delight to know and to honor, his eminence, the respected and the respectable Sultan of Sulu. And here the history of Consul General Pratt ends; exit Pratt, enter the Sultan of Sulu. With the Administration Pratt is persona non grata; but for the Sultan of Sulu the latch string of the White House always hangs out. The letter is as follows:

(DOC. 62, PAGE 357.) (Confidential.) MR. PRATT TO MR. MOORE.

(No. 240.) Consulate General of the United States,

Singapore, July 2, 1898.

Sir—I have the honor to report that I have learned from reliable private sources that the Sultan of Sulu, who, on his return home from Mecca, stopped over in Singapore, where he still remains, has negotiated or is in the way of negotiating for the transfer of the protectorate of his territory in the Philippines from Spain to British North Borneo, to which, as it will be seen by the map, it is adjacent.

This would seem to have special significance at the present juncture, and I have considered that you might deem it of sufficient importance to demand investigation.

After the Sulu war of 1876, it will be remembered, Spain's suzerainty hitherto disputed, was formally admitted by the Sultan and recognized by both England and Germany in the protocol signed by the powers on the 11th of March, 1877. I have the honor, etc.

E. SPENCER PRATT.

## Consul Williams' Diplomacy, Hopes and Disappointments.

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Meanwhile Williams at Manila was keeping his eyes open to the events of those troublous days prior and subsequent to the destruction of the Spanish fleet in the harbor there, and promptly sending reports of the same to the Department as an eye witness of those stirring scenes. His presentation of the facts and his views submitted therein are of interest and value. The correspondence is as follows:

(DOC. 62, PAGES 319-20.) MR. WILLIAMS TO MR. CRIDLER.

Consulate of the United States,  
Manila, Philippine Islands, February 22, 1898.

Sir—Without specific instructions it seems my duty at this critical period to inform the Washington Government somewhat as to political conditions here. But as I have been here less than a month vigilance has not overcome all difficulties, and the rigid censorship of the press in general and the suppression of such publications has uttered the truth and made news gathering onerous.

I have before me a lengthy dispatch giving dates of many warlike and political matters, with rumors, observations and conclusions, but deem it wise to write more briefly to-day, to bide events and wait specific instructions from you.

A republic is organized here as in Cuba. Insurgents are being armed and drilled; are rapidly increasing in numbers and efficiency, and all agree that a general uprising will come as soon as the governor-general embarks for Spain, which is fixed for March.

While some combatant regiments have recently been returned to Spain, it was for appearance only, and all authorities now agree that unless the crown largely reinforces its army here it will lose possession. Command me for any desired information.

Your obedient servant, OSCAR F. WILLIAMS, Consul.

March 19, 1898, Williams wrote that the insurrection was gaining force, a Spanish battleship was overwhelmed by rebels, and that he was depending upon unofficial reports as to condition of affairs between Spain and the United States. (Doc. 62, p. 320.)

His letter of March 27th narrated many atrocities of Spanish toward the rebels. (Doc. 62, pp. 321-22.)

His letter of March 31st is again a narrative of similar events. Also congratulates Day that he (Day) is about to succeed Sherman as "Premier." (Doc. 62, pp. 322-25.)

And his letter of May 4, 1898, gives an account of the battle of Manila Bay. This was written on board of U. S. battleship Baltimore. (Doc. 62, pp. 325-26.)

(Doc. 62, p. 327.) Letter of May 12th (U. S. battleship Baltimore) contains the following:

In the struggle between the insurgents and Spain the deaths have been many and greater among the natives. First, because Spaniards have been much better armed. Second, because the Spaniards killed many non-combatants, including old men, women and children, while the natives refrained from such barbarities.

An insurgent leader, Major Gonzales, reported to me last week on the Olympia, that they had 37,000 troops under arms, good and bad, surrounding Manila, endeavoring to cooperate with us. In the main they are very poorly armed, but have about 6,600 rifles, taken from the Spaniards. They have captured the entire railroad line and the river Pasig, thus cutting off supply lines, while we, by cutting off supply by bay and sea, can soon starve Manila into surrender.

The letter also gives instances of the extreme good will of the natives toward the United States.

(Doc. 62, p. 328.) Communication of May 24, 1898 (U. S. S. Baltimore), from Williams to Day (Special) is as follows:

Sir—I have the honor to report successful efforts on the part of the insurgents of these islands in preparation for more successful war against Spain.

Officers have visited me during the darkness of the night to inform the fleet and me of their operations and to report increase of strength. At a conference with General Aguinaldo, the head of the insurgent movement, I was told that they had now above 4,500 Mauser rifles, taken from the Spaniards, and had also abundant ammunition. Until the present they have been fatally crippled in these respects.

Last week Major Gonzales captured two buffalo cart-loads of rifle ammunition from the Spaniards. To-day I executed a power of attorney whereby General Aguinaldo releases to his attorneys in fact \$400,000 now in bank in Hongkong, so that money therefrom can pay for 3,000 stands of arms bought there and expected here to-morrow. The same sources informed me that about 37,000 insurgents stand ready to aid United States forces, and General Aguinaldo's headquarters were this A. M., at 7 o'clock, surrounded by 500 to 1,000 men eager to enlist. I was there at that hour and saw the men.

My relations with all are cordial, and I manage to keep, so pro bono publico.

When General Merritt arrives he will find large auxiliary land forces adapted to his services and used to the climate. I am, sir,

OSCAR F. WILLIAMS, United States Consul.

(DOC. 62, PAGES 329-30.) SPECIAL—MR. WILLIAMS TO MR. DAY.  
U. S. S. Baltimore, Consulate of the United States,  
Manila, Philippine Islands, June 16, 1898.

The letter states that the insurgents have been almost uniformly successful in their engagements with the Spaniards, capturing 5,000 prisoners with their rifles. General Aguinaldo has now about 10,500 rifles and 8 field pieces, with 8,000 more rifles, 2 Maxim guns, and a dynamite gun, bought in China and now in transit. The insurgents have defeated the Spaniards at all points except the fort near Malate,

and hold not only North Luzon to the suburbs of Manila, but Batan-  
yas province also, and the bay coast entire, save the city of Manila.

While the Spaniards barbarously slaughter Filipinos taken in arms, and often non-combatants, women, and children, the insurgent victors, following American example, spare life, protect the helpless and nurse, feed and care for Spaniards taken prisoners and for Spanish wounded as kindly as they care for the wounded fallen from their own ranks.

For future advantage, I am maintaining cordial relations with General Aguinaldo, having stipulated submissiveness to our forces, when treating for their return here. Last Sunday, 12th, they held a council to form a provincial government. I was urged to attend, but thought best to decline. A form of government was adopted, but General Aguinaldo told me to-day that his friends all hoped that the Philippines would be held as a colony of United States of America. It has been my effort to maintain harmony with insurgents here in order to exercise greater influence hereafter when we reorganize government.

July 2, 1898, from the U. S. S. battleship Baltimore, Consul Williams writes Secretary Day enthusiastically urging as follows:

(DOC. 62, PAGES 330-1.)

If long occupation for possession on the part of our Government be considered, I believe early and strenuous efforts should be made to bring here from the United States men and women, mechanics, etc., etc., \* \* \* to introduce American products, natural and artificial, of many classes. To all such I pledge every aid, and now is the time to start. Good government will be easier the greater the influx of Americans.

My despatches have referred to our present policy of export trade. If now our exports come here as interstate, duty free, we have practical control of Philippine trade, which now amounts to many millions, and because of influx of American energy and methods upon the fabulous natural and productive wealth of these islands can, and probably will, be multiplied by twenty during the twenty coming years. All this increment should come to our interest, not go to any other. Those who come early will reap great rewards and serve patriotic purpose at the same time, while their prompt and successful work will furnish outlet for the glut of United States products.

Consul Williams seems to have been somewhat shaken up by Dewey's cannonade on May 1 in Manila Bay, and to have caught the expansion fever. In this letter he shows a rare capacity as a real estate boomer. But on August 4th, ensuing, the diplomatic instinct again holds sway and he writes to the Department (Doc. 62, pp. 331-32) as follows:

MR. WILLIAMS TO MR. DAY.—(Special.)

Consulate of the United States, Manila, Philippine Islands,  
U. S. S. Baltimore, Manila Bay, August 4, 1898.

Sir—It has been my study to keep on pleasant terms with General Aguinaldo for ultimate objects. By so doing I have avoided certain troubles and aided our forces. Admiral Dewey says I have planted the seeds of cordial cooperation.

My argument with General Aguinaldo has been that the conditions of government by the United States of America in the Philippine

Islands would be vastly better for him and his people in honor, advancement, and profit than could exist under any plan fixed by himself and Filipinos. I have traversed the entire ground of government with him in council and he has called his officials from fifteen provinces to meet me for their discussion, all stated as friendly, but unofficial on my part. Our relations are cordial, while certain antagonisms have arisen between the General and certain other Americans. I hope to bring about harmony and cooperation for mutual good. I have the honor to be, sir, your most obedient servant. OSCAR F. WILLIAMS, United States Consul, Manila, Philippine Islands.

No sooner had that special communication been sent, however, than Consul Williams received from the Department in reply the following:

(DOC. 62, PAGES 330 4.) MR. CRIDLER TO MR. WILLIAMS.

(No. 18.) Washington, August 4, 1898.

Sir—I have to acknowledge the receipt of your special dispatch of the 16th of June last, copy of which has been sent to the Secretary of War and the Secretary of the Navy. Your course, while maintaining amicable relations with the insurgents, in abstaining from any participation in the adoption of their so-called provisional government, is approved. Respectfully yours, THOS. W. CRIDLER, Third Assistant Secretary.

No diplomat can hack down a cherry tree and tell the truth, neither is it permitted to an American consul on Asiatic shores, under the present Administration, to long entertain respect for the inherent rights of a brown-skinned humanity. The correspondence of Consul Williams in its inception shows on his part generous instincts and a respect for hopes of the Filipinos for self-government. But shortly after the sinking of the Spanish fleet, he enters, as it were, a business atmosphere purely and holds in check the more humane impulses of his nature.

This curt and frigid reply of the Department visibly reduced Consul Williams' temperature, and he sent on the very next day, August 5th, a letter suggesting that when Manila falls his duties as consul will end, and saying:

In view of such probabilities I seek your appointed favor, and with pride recall to your mind the report of the then Commodore Dewey made to Secretary Long, and by him transmitted to you—this under date of April 18th, says of me: "His assistance has been invaluable." This report was made before I ever saw the Admiral, and without my knowledge, and I know that my services to our navy, army, citizens and nation have since been much greater than before. Your commendation of my service has been most gratifying to me, and because of narrow resources, I hope to have honorable and profitable station here or elsewhere in the United States public service. I need your recognition, and hope by cable or otherwise to have relief from present anxieties. (Doc. 62, P. 332.)

The last communication from Consul Williams to the Department shown in the Consular Reports, made part of Doc. 62, is as follows (Doc. 62, p. 333):

## MR. WILLIAMS TO MR. DAY.—(Telegram.)

Manila, September 5, 1898 (Received 10:20 A. M.)

To-day delegation from 4,000 Visayan soldiers, also representing southern business interests, came to me, pledging loyalty to annexation. Several insurgent leaders likewise. Spain can not control; if we evacuate anarchy reigns.

WILLIAMS.

This telegram shows Consul Williams again in a state of nervous prostration—and over “anarchy.” In point of fact, the various letters before that time written by Consul Williams himself set forth that the Filipinos were most humane in their treatment of prisoners, and were proving themselves well fitted to uphold the standard of modern civilization. This term “anarchy” has been made by the Administration a broad excuse for the maintaining of anarchy by force of arms in the midst of a people who, without interference of a military invasion, were maintaining a civil government in due form and scope.



## Consul Wildman's Magnanimity and its Rebuke.

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In the following correspondence between Consul Wildman at Hongkong and the State Department at Washington, occurs the first mention of the Philippines that is to be found in the Consular Reports set forth in Doc. 62, p. 333. The correspondence is as follows:

MR. WILDMAN TO MR. DAY. (No. 19.)

Hongkong, November 3, 1897.

Sir—Since my arrival in Hongkong I have been called upon several times by Mr. F. Agoncillo, foreign agent and high commissioner, etc., of the new republic of the Philippines.

Mr. Agoncillo holds a commission, signed by the president, members of cabinet and general-in-chief of the republic of Philippines, empowering him absolutely with power to conclude treaties with foreign governments.

Mr. Agoncillo offers on behalf of his government alliance, offensive and defensive, with the United States when the United States declares war on Spain, which, in Mr. Agoncillo's judgment, will be very soon. In the meantime, he wishes the United States to send to some port in the Philippines 20,000 stands of arms and 200,000 rounds of ammunition for the use of his government, to be paid for on the recognition of his government by the United States. He pledges as security two provinces and the custom-house at Manila.

He is not particular about the price—is willing the United States should make 25 per cent or 30 per cent profit.

He is a very earnest and attentive diplomat, and a great admirer of the United States. On his last visit, he surprised me with the information that he had written his government that he had hopes of inducing the United States to supply the much-needed guns, etc.

In case Senor Agoncillo's dispatch should fall into the hands of an unfriendly power and find its way into the newspapers, I have thought it wise to apprise the State Department of the nature of the high commissioner's proposals.

Senor Agoncillo informs me by late mail that he will proceed at once to Washington to conclude the proposed treaty, if I advise.

I shall not advise said step until so instructed by the State Department.

I have the honor to be, sir, your obedient servant,

ROUNSEVELLE WILDMAN, Consul.

(DOC. 62, PAGE 333-4.) MR. CRIDLER TO MR. WILDMAN.

(No. 23.) Washington, December 15, 1897.

Sir—I have to acknowledge the receipt of your dispatch No. 19, of November 3, 1897, in which you announce the arrival at your post of Mr. F. Agoncillo, whom you describe as foreign agent and high commissioner of the republic of the Philippines, and who holds full power to negotiate and conclude treaties with foreign powers. Mr. Agon-

cillo offers an alliance "offensive and defensive with the United States when the United States declares war on Spain, which, in Mr. Agoncillo's judgment, will be very soon," and suggests that 20,000 stands of arms and 200,000 rounds of ammunition be supplied to his government by that of the United States.

You may briefly advise Mr. Agoncillo, in case he should call upon you, that the Government of the United States does not negotiate such treaties, and that it is not possible to forward the desired arms and ammunition.

You should not encourage any advances on the part of Mr. Agoncillo, and should courteously decline to communicate with the Department further regarding his alleged mission.

Respectfully yours, THOMAS W. CRIDLER, 3d Asst. Secy.

At the time this communication from Wildman had been received and answered by the Department war had not been declared by the United States against Spain. The reply of the Administration, therefore, is commendable, in that it was in accord with the strict line of duty which should be pursued by one nation toward another in times of peace. Moreover, the reply of the Administration was consistent with the fact that, under our form of government the Executive has no right or power to enter into alliances with any power whatever. This correspondence shows, however, that by this communication, if from no other sources, the Administration was fully informed of the relation of the Philippine people toward the Spanish government, and that they were seemingly in their struggling and hopes standing exactly on the same footing as the Cuban people at that time—both, in the eyes of all the world, fighting against Spanish tyranny and atrocities, and for liberty.

(MESS. AND DOC., VOL. 4, PAGE 100.)

Hongkong, May 19, 1898 (Received at Washington, May 19th).

Day, Washington—This answers Long's cable to Dewey. From best information obtainable, Dewey can not reply under a week. Twenty (one?) thousand troops, of which four thousand natives and two thousand volunteers, all but one thousand at Manila. They have ten mountain guns, no large field artillery; proven last rebellion not practicable. Plenty good ponies, twelve hands high. No food Philippines but rice. Large supply should be taken for insurgent allies.

WILDMAN.

This telegram demonstrates that in the mind of Consul Wildman Aguinaldo and his forces at that time were held to be the allies of the United States Government, and that Consul Wildman was fair-minded enough to term them such in the telegram arranging for supplies of rice to be furnished by the United States to the "insurgent allies."

The following letter (No. 63) shows a consideration for the Filipino people that reflects credit upon the consul for his sagacity and humane spirit:



(DOC. 66, PAGE 336-8.) MR. WILDMAN TO MR. MOORE.

(No. 63.) Consulate of the United States,  
Hongkong, July 18, 1898.

Sir—I am taking the liberty of calling your attention to the continuous repetition of telegraphic information reaching this port that it is the policy of the United States Government to allow the Philippine Islands to return to Spain on the conclusion of the war.

Without placing any reliance in these statements, I desire to use them as a text upon which to respectfully submit the result of my experience with the leaders of the present Philippine insurgents, and to suggest the utter impossibility of Spain, even with the aid of the United States, ever regaining a foothold on these islands.

I have lived among the Malays of the Straits settlements, and have been an honored guest of the different sultanates. I have watched their system of government and have admired their intelligence, and rank them high among the semi-civilized nations of the earth. The natives of the Philippine Islands belong to the Malay race, and while there are very few pure Malays among their leaders, I think their stock has rather been improved than debased by admixtures. I consider the forty or fifty Philippine leaders, with whose fortunes I have been very closely connected, both the superiors of the Malays and the Cubans. Aguinaldo, Agoncillo, and San Dico are all men who would be leaders in their separate departments in any country, while among the wealthy Manila men, who live in Hongkong and who are spending their money liberally for the overthrow of the Spaniards and the annexation to the United States, men like the Cortes family and the Basa family, would hold their own among bankers and lawyers anywhere.

I believe I know the sentiments of the political leaders and of the moneyed men among the insurgents, and, in spite of all statements to the contrary, I know that they are fighting for annexation to the United States first, and for independence secondly, if the United States decides to decline the sovereignty of the islands. In fact I have had the most prominent leaders call on me and say they would not raise one finger unless I could assure them that the United States intended to give them United States citizenship if they wished it.

On May 2d, Aguinaldo arrived in Hongkong and immediately called on me. It was May 16th before I could obtain permission from Admiral Dewey to allow Aguinaldo to go by the United States ship, McCulloch, and I put him aboard in the night, so as to save any complications with the local government. Immediately on the arrival of Aguinaldo at Cavite, he issued a proclamation, which I had outlined for him before he left, forbidding pillage, and making it a criminal offense to maltreat neutrals. He, of course, organized a government of which he was dictator, and an absolutely necessary step if he hoped to maintain control over the natives, and from that date until the present time he has been uninterruptedly successful in the field and dignified and just as the head of his government. According to his own statements to me by letter he has been approached by both the Spaniards and the Germans, and he has had tempting offers made him by the Catholic Church. He has been watched very closely by Admiral Dewey, Consul Williams, and his own junta here in Hongkong, and nothing of moment has occurred which would lead anyone to believe that he was not carrying out to the letter the promises made to me in this consulate.

The insurgents are fighting for freedom from the Spanish rule, and rely upon the well-known sense of justice that controls all the actions of our Government as to their future.

In conclusion I wish to put myself on record as stating that the insurgent government of the Philippine Islands can not be dealt with

as though they were North American Indians, willing to be removed from one reservation to another at the whim of their masters. If the United States decides not to retain the Philippine Islands, its 10,000,000 people will demand independence, and the attempt of any foreign nation to obtain territory or coaling stations will be resisted with the same spirit with which they fought the Spaniards.

I have the honor, etc., ROUNSEVELLE WILDMAN, Consul General.

(Doc. 62, p. 338.)—MR. MOORE TO MR. WILDMAN.—(Telegram sent.)

Department of State, Washington, August 6, 1898.

Wildman, Consul, Hongkong.

If you wrote Aguinaldo as reported by Hongkong correspondent Daily Mail, your action is disapproved, and you are forbidden to make pledges or discuss policy.

MOORE.

(DOC. 62, PAGE 338.) TELEGRAM RECEIVED IN CIPHER.

Hongkong, August 8, 1898. (Received 9:10 A. M.)

Moore, Washington—Never made pledges or discussed policy of America with Aguinaldo further than to try and hold him to promises made before Dewey took him to Cavite, believing it my duty, it being understood that my influence was good. If report contrary, I disavow it. WILDMAN.

The letter to Aguinaldo set forth by correspondent of Daily Mail, and which called down upon Wildman the displeasure of the Department, appears by letter of Wildman to the Department of August 9, 1898 (Doc. 62, p. 339), to have contained the following, being the portion to which the Department took exception:

If you stand shoulder to shoulder with our forces, and do not allow any small differences of opinion and fancied slights to keep you from the one set purpose of freeing your island from the cruelties under which you claim it has been groaning for many hundred years, your name in history will be a glorious one. There are greater prizes in the world than being the mere chief of a revolution. Do not forget that the United States undertook this war for the sole purpose of relieving the Cubans from the cruelties under which they were suffering, and not from the love of conquest or hope of gain. Whatever the final disposition of the conquered territory may be, you can trust to the United States that justice and honor will control all their dealings with you. The first thing is to throw off the Spanish yoke. Do not let anything interfere with this.

The implied assurance from Consul Wildman running through this letter to Aguinaldo, that the United States was not carrying on a war of conquest in the Philippine Islands and would treat him fairly after the "Spanish yoke" was thrown off, was evidently displeasing to the Administration, and led to the cablegram above cited.

The following correspondence between the Department and Consul Wildman, hereinafter cited, is all, except as to minor matters, that appears in Doc. 62; and there is nothing therein to the discredit of Consul Wildman. The correspondence is as follows:

(DOC. 62, PAGE 340.) MR. WILDMAN TO MR. MOORE. (Telegram received.) Hongkong, Aug. 15, 1898. (Telegram read 3.20 A. M.)

Moore, Washington—Spanish consul received dispatch Sunday ordering surrender Manila. Shall I offer to deliver personally and save more delay. Believe can be of service to Dewey should Aguinaldo make trouble.  
WILDMAN.

The above telegram from Wildman was answered by the Secretary thus, the record says (Doc. 62, p. 340): "Spanish Consul should deliver despatch in his own way. Take no action respecting Aguinaldo without special direction from this Department."



## Admiral Dewey—His Deeds and Telegrams.

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Whilst Consuls Pratt, Williams, and Wildman were watching events in the East from their standpoints on land, and cooperating, though perhaps without definite plan and understanding among themselves, to secure to the United States the aid of the Filipinos in the war waged against Spain, Admiral Dewey was startling the world by his unparalleled naval victory; and also, immediately thereafter, cooperating with these consuls to secure and avail himself of the aid of Aguinaldo and the Filipinos in carrying on the war. The telegrams between Admiral Dewey and the Government upon matters touching this topic are as follows:

On February 25, 1898, Assistant Secretary Roosevelt, on that day acting as Secretary, sent this dispatch to Commodore Dewey, then in command of the Asiatic station (Mess. and Doc., Vol. IV, p. 65):

Order the squadron, except "Monocacy," to Hongkong. Keep full of coal. In the event of declaration of war with Spain your duty will be to see that the Spanish squadron does not leave the Asiatic coast, and then offensive operations in Philippine Islands. Keep "Olympia" until further orders.

On the 24th day of April, 1898, Secretary Long of the Navy Department telegraphed to Dewey as follows:

Dewey, Hongkong, China—War has commenced between the United States and Spain. Proceed at once to the Philippine islands. Commence operations at once, particularly against the Spanish fleet. You must capture vessels or destroy them. Use utmost endeavors.—Mess. and Doc., Vol. 4, page 67.

Admiral Dewey's reply to this was as follows (Mess. and Doc., Vol. IV, p. 68):

Hongkong, April 27, 1898.

Secretary of the Navy, Washington—Williams, the U. S. Consul from Manila, has arrived. The squadron will sail immediately for the Philippine Islands.

It will be noted that in all the correspondence of Consul Williams with the Department bearing dates between April 27, 1898, and August 4, 1898, are dated and issued from the U. S. S. battleship Baltimore, a vessel of Admiral Dewey's squadron.

The next heard from Dewey by the Department was the following announcement, from Manila per Hongkong, of the victory of Manila Bay, on May 1, 1898. (Mess. and Doc., p. 68):

Hongkong, May 7, 1898 (Manila, May 1.)

Secretary of the Navy, Washington—The squadron arrived at Manila at daybreak this morning. Immediately engaged the enemy and destroyed the following Spanish vessels: Reina Christina, Castillia, Don Antonio de Bilboa, Don Juan de Austria, Isla de Luzon, Isle de Cuba, General Lezo, Marquis del Duaro, El Curreo, Velasco, one transport, Isle de Mandano, under battery at Cavite. I shall destroy Cavite arsenal dispensatory. The squadron is uninjured. Few men slightly wounded. I request the Department will send immediately from San Francisco fast steamer with ammunition. The only means of telegraphing is to the American consul at Hongkong. DEWEY.

The telegrams of the Department to Admiral Dewey of May 3 and 7, respectively, conveying to him the congratulations of the Administration, the vote of thanks of the American Congress, and the announcement of his advancement to command as Rear Admiral, are, like the victory, known to all the world.

(MESS. AND DOC., VOL. 4, PAGE 100.)

Hongkong, May 24, 1898 (Cavite, May 20th).

Secretary of Navy, Washington—Situation unchanged. Strict blockade is continued. Great scarcity prevails at Manila. Foreign subjects fear an outbreak of the Spanish soldiers. Arrangements have been made for them to be transferred to Cavite by the foreign men of war, if necessary. Aguinaldo, the rebel commander-in-chief, was brought by the McCulloch, organizing forces near Cavite, and may render assistance that will be valuable. I do not consider submarine mines practicable here on account of great depth and width of bay and entrance. If attacked by superior force the squadron will endeavor to give good account of itself. The American bark, Saranac, was captured off Iloilo, Philippine Islands. Upon the arrival of the Charleston with ammunition, I propose to capture and clear the islands of small Spanish gun vessels. When is Charleston expected to arrive? I will request you will send to the Asiatic station the Bennington and the Yorktown, if possible. Will be more useful than the Philadelphia. How many troops coming here Pekin? When expected to arrive? I request send provisions for the squadron—two thousand men for three months. Also small stores. DEWEY.

(MESS. AND DOC., VOL. 4, PAGE 101.)

Washington, May 26, 1898.

Dewey (Care of American Consul), Hongkong—You must exercise discretion most fully in all matters, and be governed according to circumstances which you know and we can not know. You have our confidence entirely. It is desirable as far as possible and consistent for your success and safety, not to have political alliances with the insurgents or any faction in the islands that would incur liability to maintain their cause in the future. LONG.

(MESS. AND DOC., VOL. 4, PAGE 101.)

Hongkong, May 27, 1898 (Cavite, May 29th.)

Secretary of Navy, Washington—No change in the situation of the blockade. Is effective. It is impossible for the people in Manila to buy provisions, except rice. The French men of war must go to Saigon for provisions. It is important that I should know as early as possible whereabouts and strength of the possible Spanish expedition to the Philippines, and, if possible, that the squadron should be reinforced with a battleship or armored cruiser. The captain of the Olympia (Gridley) condemned by medical survey, is ordered home; leave by Occidental and Oriental Steamer Company's steamer from Hongkong, May 28th. Commander Lamberton has been appointed to the command of the Olympia. Steamer has just arrived from Amoy with 3,000 Mauser rifles and great amount ammunition for Aguinaldo, whose force is increasing constantly. \* \* \* Bark Saranac is sailing under the British flag; is loading with sugar at Iloilo for New York.

DEWEY.

NOTE.—It is unfortunate that the cablegram as published does not show the full correspondence.

(MESS. AND DOC., VOL. 4, PAGE 102.)

Hongkong, May 30, 1898.

Secretary of Navy, Washington—Aguinaldo, revolutionary leader, visited Olympia yesterday. He expects to make general attack on May 31st. Doubt ability to succeed. Situation remains unchanged.

DEWEY.

(MESS. AND DOC., VOL. 4, PAGE 102.)

Hongkong, June 6, 1898 (Cavite, June 3d.)

Secretary of Navy, Washington—Receipt of telegram of May 26th is acknowledged, and I thank the Department for the expression of confidence. Have acted according to the spirit of Department's instructions therein from the beginning, and I have entered into no alliance with the insurgents or with any faction. This squadron can reduce the defenses of Manila at any moment, but it is considered useless until the arrival of sufficient United States forces to retain possession.

DEWEY.

(MESS. AND DOC., VOL. 4, PAGE 102.)

Hongkong, June 6, 1898.

Secretary of Navy, Washington—There are no guns of recent design available to mount on shore being without breech mechanism, mounts, or ammunition. There is no telegraphic communication Bolinao to Hongkong. Have just received 4,500 tons of coal; I have sufficient coal for two months. Insurgents have been engaged actively within the province of Cavite during last week. They have won several small victories, taking prisoners about 1,800 men, 50 officers; Spanish troops, not native. I am preparing arsenal and Cavite for the occupation United States troops, and will have vessels off Cape Engano to meet United States transport.

DEWEY.

## (MESS. AND DOC., VOL. 4, PAGE 104) PROCLAMATIONS ISSUED BY GENERAL AGUINALDO.)

U. S. Naval Force on Asiatic Station, Flagship Olympia,  
Cavite, Philippine Islands, June 12, 1898. (No. 307 D.)

Sir—I have the honor to forward, for the information of the Department, copies, with translations, of three proclamations issued by General Aguinaldo, the insurgent leader in the Philippines.

Very respectfully, your obedient servant, GEORGE DEWEY, Rear Admiral, U. S. N., Commander U. S. Naval Force on Asiatic Station. The Secretary of the Navy, Washington, D. C., Bureau of Navigation.

## (MESS. AND DOC., VOL. 4, PAGE 103.)

Washington, June 14, 1898.

Dewey (Care of American Consul), Hongkong—Report fully any conferences, relations, or cooperations, military or otherwise, which you have had with Aguinaldo, and keep informed the Department in that respect.

LONG.

## (MESS. AND DOC., VOL. 4, PAGE 106.)

Hongkong, June 17, 1898 (Cavite, June 12th).

Secretary of the Navy, Washington—There is little change in the situation since my telegram of June 3d. Insurgents continue hostilities, and have practically surrounded Manila. They have taken 2,500 Spanish prisoners, whom they treat most humanely. They do not intend to attack city proper until the arrival of United States troops thither; I have advised. Twelve merchant vessels are anchored in the bay with refugees on board under guard of neutral men of war; this with my permission. Health of the squadron continues excellent. The German commander-in-chief arrived to-day. Three German, two British, one French, one Japanese men of war now in port; another German man of war is expected. I request the departure of the Monadnock and the Monterey be expedited.

DEWEY.

## (MESS. AND DOC., VOL. 4, PAGE 103.)

Hongkong, June 27, 1898.

Secretary of Navy, Washington—Receipt of telegram of June 14th is acknowledged. Aguinaldo, insurgent leader, with thirteen of his staff, arrived May 19th, by permission, on Nanchan. Established self Cavite outside arsenal, under the protection of our guns, and organized his army. I have had several conferences with him, generally of a personal nature. Consistently, I have refrained from assisting him in any way with the force under my command, and on several occasions I have declined requests that I should do so, telling him the squadron could not act until the arrival of the United States troops. At the same time I have given him to understand that I consider insurgents as friends, being opposed to a common enemy. He has gone to attend a meeting of insurgent leaders for the purpose of forming a civil government. Aguinaldo has acted independently of the squadron, but has kept me advised of his progress, which has been wonderful. I have allowed to pass by water, recruits, arms, ammunition, and to take such Spanish arms and ammunition as he needed. Have advised frequently to conduct the war humanely, which he has done invariably. My relations with him are cordial, but I am not in his confidence. The United States has not been bound in any way to assist insurgents by any act or promises, and he is not, to my knowledge, committed to assist us. I believe he expects to capture Manila without my assistance, but doubt ability, they not yet having many guns.

In my opinion, these people are far superior in their intelligence and more capable of self-government than the natives of Cuba, and I am familiar with both races. DEWEY.

(MESS. AND DOC., VOL. 4, PAGE 110.)

Hongkong, July 7, 1898 (Cavite, July 4th.)

Secretary of Navy, Washington—The receipt of telegram is acknowledged. The United States troops have landed and have been comfortably housed at Cavite, Luzon Island. Insurgents are still active. The Chinese subjects have been permitted to leave freely. Cold storage steamer has not yet arrived. Aguinaldo proclaimed himself president of the revolutionary republic on July 1st. DEWEY.

(MESS. AND DOC., VOL. 4, PAGE 110.)

Hongkong, July 13, 1898.

Secretary of Navy, Washington—Aguinaldo informed me his troops had taken all of Subig Bay except Isla Grande, which they were prevented from taking by the German man of war, Irene. On July 7th sent the Raleigh and Concord there; they took the island and about 1,300 men with arms and ammunition; no resistance. The Irene retired from the bay on their arrival. I shall send the Boston Cape Engano about July 16th to meet second army detachment. It is not practicable to send Guam. No chartered vessel available. DEWEY.

(MESS. AND DOC., VOL. 4, PAGE 117.)

Hongkong, July 22, 1898.

Secretary of Navy, Washington—The following is for the Secretary of War: Aguinaldo declares dictator (ship) and martial law over all the islands. The people expect independence. Recommend China ponies. Anderson commanding. DEWEY.

(MESS. AND DOC., VOL. 4, PAGE 118.)

Hongkong, July 30, 1898 (Cavite, July 26.)

Sec'y. of Navy, Washington—Merritt arrived yesterday in the Newport. The remainder of the expedition is expected within the next few days. Situation is most critical at Manila. The Spanish may surrender at any moment. Merritt's most difficult problem will be how to deal with insurgents under Aguinaldo, who have become aggressive and even threatening toward our army. The Monadnock was at Honolulu on July 8; expedition to leave four days later. \* \* \* \* \* DEWEY.

(MESS. AND DOC., VOL. 4, PAGE 118.)

Hongkong, August 1, 1898 (Cavite, July 29.)

Sec'y of War, Washington—Referring to your telegram, July 20, strict blockade continues. The neutral vessels are not allowed to enter. From information, which I consider reliable, Spanish General will surrender to United States forces at once if it were not for insurgent complications. In any event they must capitulate very soon. Merritt and I are working together to this end. The remainder of Merritt's forces have not arrived. Pekin will leave tomorrow for San Francisco. DEWEY.

(MESS. AND DOC., VOL. 4, PAGE 118.)

Washington, August 12, 1898.

Dewey, Hongkong—The protocol, signed by the President to-day, provides that the United States will occupy and hold the city, bay, and harbor of Manila, pending the conclusion of a treaty of peace, which shall determine the control, disposition and government of the Philippines. This is most important. ALLEN, Acting.



(MESS. AND DOC., VOL. 4, PAGE 122.)

Washington, August 13, 1898.

Dewey (Care of American Consul), Hongkong—The President desires to receive from you any important information you may have of the Philippines; the desirability of the several islands; the character of the population; coal and mineral deposits; their harbor and commercial advantages, and in the naval and commercial sense, which would be the most advantageous. If you have other information which may be of value to the Government in their negotiations, the President may desire your presence here. If he should request you to come, take the quickest road of travel.

ALLEN.

(MESS. AND DOC., VOL. 4, PAGE 123.) MUTILATED IN TRANSMISSION.

Hongkong, August 17, 1898.

Secretary of the Navy, Washington—Send the following telegram:

"To Adjutant-General—Insurgents demand joint occupation of the city. Inform me how far I shall proceed in forcing obedience of the insurgents in this matter and others that may arise. Is the Government willing to use all means and \* \* \* the natives to submit to authority of the United States. MERRITT."

DEWEY.

Owing to the mutilation of the above telegram the public are not informed what means Admiral Dewey suggested to the Department should be used to compel submission on the part of the insurgents, but that can very readily be inferred.

(MESS. AND DOC., VOL. 4, PAGE 124.)

Washington, August 17, 1898.

Dewey, Hongkong—Answering your joint cable the President directs as follows: There must be no joint occupation with the insurgents; the United States, in the possession of city, bay, and harbor of Manila, must preserve peace, protecting persons and property in the territory occupied by their military and naval forces. Insurgents and all others must recognize the military occupation and authority of the United States and the cessation of hostilities proclaimed by the President. Use any means in your judgment to this end. All law-abiding people must be treated alike.

LONG.

(MESS. AND DOC., VOL. 4, PAGE 125.)

Manila, August 31, 1898.

Secretary of the Navy, Washington—Referring to your telegram of August 29th, from my observation and that of my officers, the Spanish prisoners are not treated cruelly by the insurgents, but they are neglected, not from design, but owing to want of proper food supplies, medical outfit and attendance.

DEWEY.

(MESS. AND DOC., VOL. 4, PAGE 125.)

Washington, September 7, 1898.

Dewey, Manila—By direction of the President, you will exert your influence during the suspension of hostilities between United States and Spain to restrain insurgent hostilities towards Spaniards, and while maintaining a position of rightful supremacy as to the insurgents, to pursue, so far as possible, a conciliatory course to all.

ALLEN, Acting Secretary.

## REPORT OF THE PHILIPPINE COMMISSION, VOL. I, P. 172.

## Admiral Dewey says:

The statement of Emilio Aguinaldo, as recently published in the Springfield Republican, so far as it relates to me, is a tissue of falsehoods. I never promised, directly or indirectly, independence for the Filipinos. I never treated him as an ally, except to make use of him and the natives to assist me in my operations against the Spaniards. He never alluded to the word independence in any conversation with me or my officers. The statement that I received him with military honors or saluted the so-called Filipino flag is absolutely false.

The above statement by Admiral Dewey in reference to the question as to whether he ever formed an alliance with General Aguinaldo is of considerable interest as showing how the matter is viewed by him, and as to what constitutes an alliance in the mind of the Admiral. In view of this statement it is not to be supposed, or indeed in any event, that formal promise of independence for the Filipinos was made by Admiral Dewey or by any of the officials of the United States or military officers of our forces at any time. But it is clear from the record set forth in Doc. 62 alone, as well as by Admiral Dewey's statement above, that "use was made" of Aguinaldo and the Philippine forces, and that by shot and shell and Gatling guns the Administration has subsequently dealt death and destruction to the very forces that fought for the flag of the United States in many an engagement, and everywhere welcomed the coming of the American army until an unwilling sovereignty was asserted over them.

The following is Commander Bradford's definition of an ally, and is of interest in this connection:

(See Senate Document No. 62, pages 488-89). Senator Frye, one of the Paris peace commissioners, asked him—

Suppose the United States in the progress of that war found the leader of the present Philippine rebellion an exile from his country in Hongkong and sent for him and brought him to the islands in an American ship, and then furnished him 4,000 or 5,000 stands of arms, and allowed him to purchase as many more stands of arms in Hongkong, and accepted his aid in conquering Luzon, what kind of a nation in the eyes of the world, should we appear to be to surrender Aguinaldo and his insurgents to Spain to be dealt with as they please?

To that question Commander Bradford answered—

We become responsible for everything he has done; he is our ally, and we are bound to protect him.

## **Aguinald and the Filipinos, Their Hopes and Strivings.**

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The proclamations of Aguinaldo, the proceedings had to establish a revolutionary government, and subsequently the permanent constitution adopted, and the formal erection of a Philippine republic, are of much aid in obtaining a knowledge of the capacity of that people for self-government and of their efforts for its preliminary and formal establishment.

The intercourse had with Aguinaldo as commander of the Philippine forces by the consuls and army and navy officers of the United States as set forth in Doc. 62, here cited, are decisive of the question whether he was considered by them in the inception of that intercourse to be an ally, or treated as such; and the steps taken subsequently under the instructions from the Administration to modify that treatment, are suggestive of the purpose, during all that time, entertained by the Administration regarding the Philippine people.

Before Dewey's fleet left Hongkong for Manila the insurgents had already issued there, and in the Philippines, the following proclamation:

(DOC. 62, PAGE 346.) (INCLOSURES.) AMERICA'S ALLIES. THE MANIFESTO OF THE FILIPINOS. (Translation.)

Compatriots, Divine Providence is about to place independence within our reach, and in a way the most free and independent nation could wish for.

The Americans, not from mercenary motives, but for the sake of humanity and the lamentations of so many persecuted people, have considered it opportune to extend their protecting mantle to our beloved country, now that they have been obliged to sever relations with Spain, owing to the tyranny this nation is exercising in Cuba, causing enormous injury to the Americans, who have such large commercial and other interests there.

At the present moment an American squadron is preparing to sail for the Philippines.

We, your brothers, are very much afraid that you may be induced to fire on the Americans. No, brothers, never make this mistake. Rather blow your own brains out than to fire a shot or treat as enemies those who are your liberators.

Your natural enemies, your executioners, the authors of your misery and unhappiness, are the Spanish, who govern you. Against these you must raise your weapons and odium; understand well against the Spaniards and never against the Americans.

Take no notice of the decree of the governor general calling you to arms, although it may cost you your life. Rather die than be ungrateful to our American liberators.

The governor general calls you to arms. What for? To defend your Spanish tyrants! To defend those who have despised you even in public speeches, asked for your extermination—those that have treated you little better than savages? No! No! A thousand times no!

Give a glance at history and you will see that all Spain's wars in Oceanica have sacrificed Philippine blood. We have been put to fight Cochinchina to assist the French in an affair that in no way concerns the Philippines. We were compelled to spill our blood by Simo de Anda against the English, who in any case would have made better rulers than the Spaniards. Every year our children are taken away and sacrificed in Mindanao and Sulu, on the pretense of making these people our enemies, when in reality they are our brothers, like us, fighting for our independence.

After having sacrificed our blood against the English, against the Animites, against the Mindao, etc., what recompense or thanks have we received from the Spanish Government? Obscurity, poverty, the butchery of those dear to us. Enough, brothers, of this Spanish tutelage.

Take note, the Americans will attack by sea and prevent any reinforcements coming from Spain; therefore, we insurgents must attack by land. Probably you will have more than sufficient arms and will find means to assist us.

There, where you see the American flag flying, assembled in numbers; they are our redeemers.

Our unworthy names are as nothing, but one and all of us invoke the name of the greatest patriot our country has seen, in the sure and certain hope that his spirit will be with us in these moments and guide us to victory—our immortal Jose Rizal.

This proclamation was forwarded by Consul General Pratt to the Department with the following letter:

(DOC. 62, PAGE 345.) MR. PRATT TO MR. DAY.

(No. 223.) Consulate General of the United States,

Singapore, May 20, 1898.

Sir—I have the honor to submit for your consideration a proclamation in Spanish, issued prior to the departure of our fleet for Manila, by the insurgent leaders at Hongkong, calling upon Filipinos not to obey the appeal of the Spaniards to oppose the Americans, but to rally in support of them, as they came as friends and liberators.

Three copies of the English translation of the above I also enclose for handing to the press, should that, in your opinion, seem advisable.

I have the honor to be, etc., E. SPENCER PRATT, Consul General.

The following proclamations were issued by Aguinaldo at Cavite, near Manila, May 24, 1898, and copies of the same given to Admiral Dewey:

(MESS. AND DOC., VOL. 4, PAGE 104.)—Translation.

Filipinos—The great North American nation, the cradle of genuine liberty, and, therefore, the friend of our people, oppressed and enslaved by the tyranny and despotism of its rulers, has come to us manifesting a protection as decisive as it is undoubtedly disinterested toward our inhabitants, considering us as sufficiently civilized and capable of governing for ourselves our unfortunate country. In order to maintain this high estimate granted us by the generous North American nation we should abominate all those deeds which tend to lower

this opinion, which are pillage, theft, and all sorts of crime relating to persons or property, with the purpose of avoiding international conflicts during the period of our campaign.

I decree as follows:

Article 1. The lives and property of all foreigners, Chinese being included in this denomination, shall be respected, as well as that of all Spaniards who neither directly or indirectly contributed to carry on the war against us.

Art. 2. Enemies who lay down their arms must also be respected in like manner.

Art. 3. All hospitals and ambulances must likewise be respected, as well as all persons and goods found therein, including the staff on duty, unless they manifest hostility.

Art. 4. Those who disobey what is prescribed in these preceding articles shall be tried by summary process and put to death if the said disobedience has resulted in murder, robbery or rape. Given in Cavite, the 24th of May, 1898.

EMILIO AGUINALDO.

(MESS. AND DOC., VOL. 4, PAGE 104.)—Translation.

My Beloved Fellow-Countrymen—I accepted the treaty proposed by Don Pedro H. Paterno, agreeing with the captain general of these islands under certain conditions, and laying down arms and dismissing the forces under my immediate control, because I believed it better for the country than to carry on the insurrection for which resources were lacking; but since the failure to fulfil any of the said conditions, certain bands were dissatisfied and remained under arms, and since a period of five months has elapsed without any step towards the reforms which we demand to advance our country to a rank of a civilized nation like our neighbor Japan, which in little more than twenty years has advanced to a satisfactory position, and demonstrated her power and vigor in the late war with China, while the Spanish government remains powerless to contend with certain obstacles which constantly arrest the progress of our country with a deadly influence which has been a principal factor in causing an uprising of the people. Now that the great and powerful North American nation have come to offer disinterested protection for the effort to secure the liberation of this country, I return to assume command of all the forces for the attainment of our lofty aspirations, establishing a dictatorial government which will set forth decrees under my sole responsibility, assisted by the advice of eminent persons, until these islands are completely conquered and able to form a constitutional convention, and to elect a president and a cabinet, in whose favor I will duly resign my authority. Given in Cavite, 24th day of May, 1898.

EMILIO AGUINALDO.

(MESS. AND DOC., VOL. 4, PAGE 105.)—Translation.

Filipinos—This dictatorial government proposes to begin within a few days our military operations, and being informed that the Spaniards intend to send us a parliamentary commission in order to open negotiations for restoring Spanish authority, and being resolved to admit no negotiations of that sort in view of the collapse of a former treaty by default of the same Spanish government, and noting, moreover, the presence in this place of certain persons coming in the capacity of spies for the said Spanish government, as general in chief of this region, I decree as follows:

Article 1. Civilians or soldiers who enter this territory with authority to negotiate, but without presenting themselves under a flag of truce as provided for such cases by international law, and also those lacking credentials and documents for their due recognition of

character and personality, shall be considered guilty of serving as spies and put to death.

Art. 2. Any Filipino who undertakes the aforesaid service shall be considered as a traitor to his country, and there shall be imposed upon him the penalty of hanging by the neck in a public place for the period of two hours with a label attached bearing the statement that he is a traitor to his country.

Art. 3. Any soldier or civilian found within our territories seeking to pass over to the enemy bearing secrets of war or plans of fortifications shall also be reckoned as a traitor and put to death. Given in Cavite the 24th of May, 1898.

EMILIO AGUINALDO.

The following proclamations by the Philippine revolutionary government were issued and copies of the same were given to Admiral Dewey, with request to forward to his own Government, and through the British consul to other foreign governments:

(DOC. 62, PAGE 432-3.) AGUINALDO'S PROCLAMATION OF JUNE 18, 1898, ESTABLISHING THE DICTATORIAL GOVERNMENT. (No. 1 B.)

To the Philippine Republic—Circumstances have providentially placed me in a position for which I can not fail to recognize that I am not properly qualified. But since I can not violate the laws of Providence nor decline the obligations which honor and patriotism impose upon me, I now salute you, oh, my beloved people.

I have proclaimed in the face of the whole world that the aspiration of my whole life, the final object of all my efforts and strength is nothing else but your independence, for I am firmly convinced that that constitutes your constant desire, and that independence signifies for us redemption from slavery and tyranny, regaining our liberty, and entrance into the concert of civilized nations.

I understand, on the other hand, that the first duty of every government is to interpret faithfully popular aspirations; with this motive, although the abnormal circumstances of the war have compelled me to institute this dictatorial government, which assumes full power, both civil and military, my constant desire is to surround myself with the most distinguished persons of each province, those that by their conduct deserve the confidence of their province, to the end that the true necessities of each being known by them, measures may be adopted to meet those necessities and apply the remedies in accordance with the desires of all.

I understand, moreover, the urgent necessity of establishing in each town a solid and robust organization, the strongest bulwark of public security and the sole means of securing that union and discipline which are indispensable for the establishment of the republic; that is, government of the people, for the people, and warding off the international conflicts which may arise.

Following out the foregoing considerations, I decree as follows:

(Then follows in this proclamation article 1 to article 10, providing for the selection in each town and province of delegates to assemble in a congress of the whole nation shortly to be held; and also providing minor details regarding the enforcement of law and order and general civil functions in the several towns and provinces pending the meeting of that congress.)

Given at Cavite the 18th day of June, 1898. EMILIO AGUINALDO.

(DOC. 62, PAGE 433.) (C. No. 2)

For the execution and carrying out of what is prescribed in the decree of this government concerning the management of the provinces and towns of the Philippine archipelago, I decree as follows:

(Then follow forty-five rules concerning the elections, formation of the police, the courts, and the laying and collection of taxes.)

Given at Cavite, the 20th of June, 1898. EMILIO AGUINALDO.

(DOC. 62, PAGES 433-7.) AGUINALDO'S PROCLAMATION OF JUNE 23d ESTABLISHING THE REVOLUTIONARY GOVERNMENT. (D. No. 3.)

Don Emilio Aguinaldo y famy, President of the Revolutionary Government of the Philippines and General-in-Chief of its Army.

This government, desiring to demonstrate to the Philippine people that one of its ends is to combat with a firm hand the inveterate vices of the Spanish administration, substituting for personal luxury and that pompous ostentation which have made it a mere matter of routine, cumbrous and slow in its movements, another administration more modest, simple, and prompt in performing the public service, I decree as follows:

#### Chapter 1.—Of the Revolutionary Government.

Article 1. The dictatorial government will be entitled hereafter the revolutionary government, whose object is to struggle for the independence of the Philippines until all nations, including the Spanish, shall expressly recognize it, and to prepare the country so that a true republic may be established.

The dictator will be entitled hereafter president of the revolutionary government.

(The remaining articles from article 2 to article 10 of this chapter provide for the different secretaryships and bureaus of military administration; and that the term of office of the president of the government shall last until the revolution triumphs unless under extraordinary circumstances, he shall feel obliged to offer his resignation to Congress, in which case Congress will elect whomsoever it considers most fit.)

#### Chapter 2.—Of the Revolutionary Government.

(The articles from 11 to 14 inclusive, of this chapter, provide for the election and meeting of the revolutionary congress, of its deliberations, and powers of legislation, etc.)

#### Chapter 3.—Of the Military Courts and Justice.

(The articles 25 to 30 of this chapter provide for the organization, powers, and duties of military courts; and sets forth what shall constitute military crimes and offenses. An additional clause of this chapter provides for a revolutionary committee of three delegations, one of diplomacy, another of the navy and another of the army, whose duties shall be to conduct negotiations with foreign cabinets with a view to the recognition of the belligerency and independence of the Philippines; also their respective duties are set forth regarding the navy and army.)

Given at Cavite, the 23d of June, 1898.

EMILIO AGUINALDO.

(DOC. 62, PAGE 437.) E.—INSTRUCTIONS.

Desiring to bring about a proper execution of the decree dated the 23d of the present month, and to provide that the administrative measures shall not result hereafter in the paralysis of public business, but

that on the contrary, it shall constitute the best guaranty of the regularity, promptitude, and fitness in the transaction of public business, I give the following instructions and decree.

(Then follow ten rules concerning the details of installing the government.)

Caive, the 27th of June, 1898.

EMILIO AGUINALDO.

(DOC. 62, PAGES 437-9.) F. MESSAGE OF THE PRESIDENT OF THE  
PHILIPPINE REVOLUTION.

If it is true, as it is true, that political revolutions properly understood, are the violent means which people employ to recover the sovereignty which naturally belongs to them, usurped and trampled upon by a tyrannical and arbitrary government, no revolution can be more righteous than that of the Philippines, because the people have had recourse to it after having exhausted all the pacific means which reason and experience could suggest.

The ancient kings of Castile felt obliged to consider the Philippines as a brother people, united to the Spanish in a perfect participation of aims and interests, so much so that when the constitution of 1812 was promulgated at Cadiz, on account of the war of Spanish independence, those islands were represented in the Spanish Cortes; but the interests of the monastic corporations, which have always found unconditional support in the Spanish government, overcame this sacred duty and the Philippines remained excluded from the Spanish constitution, and the people at the mercy of the discretionary or arbitrary powers of the governor general.

In this condition the people claimed justice, begged of the metropolis the recognition and restitution of their secular rights by means of reforms, which should assimilate in a gradual and progressive manner the Philippines to the Spaniards; but their voice was quickly throttled and their sons received as the reward of their self-denial, deportation, martyrdom and death. The religious corporations with whose interests, always opposed to those of the Philippine people, the Spanish government has been identified scoffed at those pretensions and answered with the knowledge of that government that Spanish liberties had crossed blood.

What other recourse then remained to the people for insisting as in duty bound on regaining its former rights? No alternative remained except force, and convinced of that, it has had recourse and revolution.

And now it is not limited to asking assimilation to the Spanish political constitution, but it asks a definite separation from it. It struggles for its independence in the firm belief that the time has arrived in which it can and ought to govern itself.

There has been established a revolutionary government under wise and just laws, suited to the abnormal circumstances through which it is passing, and which in proper time will prepare it for a true republic. Thus taking as a sole model for its acts reason, for its sole end justice, and for its sole means honorable labor, it calls all Filipinos its sons without distinction of class and invites them to unite firmly, with the object of forming a noble society, not based upon blood or pompous titles, but upon the work and personal merit of each one; a free society, where exists neither egotism nor personal politics, which annihilate and crush; neither envy nor favoritism, which debase; neither fanfaronade nor charlatanism, which are ridiculous.

And it could not be otherwise. A people which has given proofs of suffering and valor in tribulation and in danger, and of hard work and study in peace is not destined to slavery; this people is called to



be great, to be one of the strongest arms of Providence in ruling the destinies of mankind. This people has resources and energy sufficient to liberate itself from the ruin and extinction into which the Spanish government has plunged it, and to claim a modest, but worthy place in the concert of free nations. Given at Cavite the 23d of June, 1898.

EMILIO AGUINALDO.

On August 6, 1898, and just before the signing of the protocol agreement at Washington, the following (Exhibits G and H) were issued, proclaiming the independence of the Philippines, with notice of the same addressed to foreign governments:

(DOC. 62, PAGE 438.) G.

To Foreign Governments—The revolutionary government of the Philippines, on its establishment, explained through the message dated the 23d of June last the true causes of the Philippine revolution, showing, according to the evidence, that this popular movement is the result of the laws which regulate the life of a people which aspire to progress and to perfection by the sole road of liberty.

The said revolution now rules in the provinces of Cavite, Batangas, Mindoro, Tayabas, Laguna, Morong, Bulacan, Bataan, Panpanga, Nueva-Ecija, Tarlac, Pangasinan, Union, Infanta, and Zambales, and it holds besieged the capital of Manila.

In these provinces complete order and perfect tranquility reigns, administered by the authorities elected by the provinces in accordance with the organic decrees dated the 23d of June, last. The revolution holds moreover about 9,000 prisoners of war, who are treated in accordance with the customs of war between civilized nations and humane sentiments, and at the end of the war it has more than 30,000 combatants organized in the form of a regular army.

In this situation the chiefs of the towns, comprised in the above-mentioned provinces, interpreting the sentiments which animate those who have elected them, have proclaimed the independence of the Philippines, petitioning the revolutionary government that it will entreat and obtain from foreign governments recognition of its belligerency and its independence, in the firm belief that the Philippine people have already arrived at that State in which they can and ought to govern themselves.

This is set forth in the accompanying documents subscribed by the above-named chiefs.

Wherefore the undersigned, by virtue of the powers which belong to him as President of the revolutionary government of the Philippines, and in the name and representation of the Philippine people, asks the support of all the powers of the civilized world, and earnestly entreats them to proceed to the formal recognition of the belligerency of the revolution and the independence of the Philippines, since they are the means designated by Providence to maintain the equilibrium between peoples, sustaining the weak and restraining the strong, to the end that by these means shall shine forth and be realized the most complete justice in the indefinite progress of humanity.

Given at Bacoor, in the Province of Cavite, the 6th day of August, 1898.

The President of the Revolutionary Government, EMILIO AGUINALDO.

## (DOC. 62, PAGE 438-9.) H. STATEMENT.

The undersigned chiefs of towns comprising the provinces herein-after named, elected as such in the manner prescribed by the decree of the 18th, and the instructions dated the 20th of June, last, after having been confirmed in their respective offices by the president of the government, and having taken the prescribed oath before him, have met in full assembly previously called for that purpose, for the purpose of discussing the proclamation of Philippine independence.

The discussion took place with the prudence and at the length which so important a question demands, and after suitable deliberation the following declarations were unanimously adopted: \* \* \*

Filipinos are fully convinced that if individuals have need of material moral and intellectual perfection in order to contribute to the welfare of their fellows people, require to have fullness of life; they need liberty and independence in order to contribute to the indefinite progress of mankind. It has struggled and will struggle with decision and constancy without ever turning back or retrograding before the obstacles which may arise in its path, and with unshakable faith that it will obtain justice and fulfil the laws of Providence.

And neither will it be turned aside from the course it has hitherto followed by the unjustifiable imprisonment, tortures, assassinations, and other vandal acts committed by the Spaniards against the persons of peaceful and defenseless Filipinos. The Spaniards believed themselves released from every obligation toward the Filipinos for the sole reason that the belligerency of the revolution has not been recognized, taking no account of the fact that over and above every law, whether written or prescriptive, are placed with imprescriptible characters, culture, national honor and humanity. No, the Filipinos have no need ever to make use of reprisals, because they seek independence with culture, liberty with unconditional respect for the law as the organ of justice, and a name purified in the crucible of human sentiments.

In virtue of the foregoing consideration, the undersigned giving voice to the unanimous voice of the people whom they represent, and performing the offices received from them and the duties pertained to the powers with which they are invested, proclaim solemnly, in the face of the whole world, the independence of the Philippines.

Recognize and respect Senor Don Emilio Aguinaldo y Famy as president of the revolutionary government, organized in the manner already prescribed by decree of the 23d and instructions of the 27th of June last, and beg the said president that he will ask and obtain from foreign governments the recognition of its belligerency and independence, not only because this act constitutes a duty of justice, but also because to no one is it permitted to contravene natural laws nor stifle the legitimate aspiration of a people for its amelioration and dignification.

Given in the province of Cavite, the first day of August in the year of our Lord, 1898, and in the first year of Philippine independence.

(Here follows the signatures of the local presidents of the provinces of Cavite and many others.) \* \* \*

The undersigned secretary of the interior certifies: That the present document is a literal copy of the original, which is deposited in the secretaryship under his charge, in proof of which he signs it with the approval of president of the revolutionary government, in Bacoor, the sixth day of August, 1898.

V. B.—El President del G. R., EMILIO AGUINALDO. El Secretario del Interior, LEANDRO IBARRA.

(NOTE.—The following letter from Mr. Bray to the President of the United States, came via H. M. S. Linnet. It bore evidence of having been Macrumized; i.e., opened and read by the British authorities.)

(DOC. 62, PAGES 359-60.)

Singapore, June 30, 1898.

To His Excellency, the President of the United States of America:

Your Excellency—Confirming my letter of the 20th instant, I have now the honor to enclose a cover just received from General Aguinaldo, the Philippine insurgent leader, with instructions to forward it by first mail to Your Excellency.

In the letter which General Aguinaldo writes me, he states that he encloses a telegram which he desires me to transmit to Your Excellency, but both this and other documents, I regret to say, have been extracted from the cover during the transit.

The envelope arrived here with the side torn away, and a note written on the same by your consul general in Hongkong, through whom it was forwarded, that it had been received in bad condition from H. M. S. Linnet.

I have taken steps to find the missing document, which will be forwarded to Your Excellency if the search proves successful.

I have the honor, etc.

HOWARD W. BRAY.

(DOC. 62, PAGES 360-1.) (Translation.)

Cavite, June 10, 1898.

To the President of the Republic of the Great North American Nation:

Dear and Honored Sir—I come to greet you with the most tender effusion of my soul, and to express to you my deep and sincere gratitude, in the name of the unfortunate Philippine people, for the efficient and disinterested protection which you have decided to give it, to shake off the yoke of the cruel and corrupt Spanish domination, as you are doing to the equally unfortunate Cuba. \* \* \* At the same time, as I am always frank and open, I must express to you the great sorrow which all of us Filipinos felt on reading in the Times, a newspaper of the greatest circulation and reputation in the whole world, in its issue of the 5th of last month, the astounding statement that you, sir, will retain these Islands until the end of the war, and if Spain fails to pay the indemnity, will sell them to a European power, preferably Great Britain; but we found a palliative to our sorrow in the improbability and suddenness of that statement, as common sense refuses to believe that so sensible a public man as you would venture to make an assertion so contrary to common sense, before events are entirely consummated. \* \* \*

Oh, sir, you are greatly injured by this statement, which ought to be regarded merely as a diplomatic trick invented by the enemies of Spain to induce us to help her by using this vile slander, which has been hurled against you to arouse our hostility to that powerful nation over whose destinies you happily preside.

The Philippine nation, however, have not given credit to that awkwardly invented fable, and have seen in your nation, ever since your fleet destroyed in a moment the Spanish fleet which was here, in spite of its being assisted by the guns of their two forts, the angel who is the harbinger of their liberty.

I close by protesting once and a thousand times, in the name of this people, which knows how to fight for its honor by means of its improvised warriors and artillery men, against the statement published by the Times, mainly for the purpose of casting a blot in history upon its glorious name; a people which trust blindly in you not to abandon it to the tyranny of Spain, but to leave it free and independent, even if you make peace with Spain, and I offer fervent prayers for the ever-

increasing prosperity of your powerful nation to which and to you I shall show unbounded gratitude, and shall repay with interest that great gratitude.

Your humble servant,

EMILIO AGUINALDO.

(DOC. 62, PAGES 397-99.)

August 1, 1898.

Mr. Williams, Dear Sir and Distinguished Friend—Impressed by the note of July 8th, past, I can only confess that the people of North America have excited, and now excite, the universal admiration, not only for the grade of progress and culture to which they have arrived in a very short time, but also for their political constitution, so admirable and inimitable, and for the generosity, honesty and industry of the men of the Government, who have so far ruled the destinies of that great people without an equal in history.

Above all, I thank you sincerely for the words which you express in your note quoted above, and I congratulate you with all sincerity on the acuteness and ingenuity which you have displayed in it in painting in an admirable manner the benefits which, especially for me and my leaders, and, in general, for all my compatriots, would be secured by the union of these islands with the United States of America. Ah! That picture, so happy and so finished, is capable of fascinating not only the dreamy imagination of the impressionable oriental, but also the cold and calculating thoughts of the sons of the north.

This is not saying that I am not of your opinion. I am fully persuaded that the Filipinos will arrive at the height of happiness and glory, if in future they can show with raised heads the rights which to-day are shown by the free citizens of North America. These islands will be in effect one of the richest and pleasantest countries of the globe, if the capital and industry of North Americans come to develop the soil.

You say all this, and yet more will result from annexing ourselves to your people, and I also believe the same, since you are my friend and the friend of the Filipinos, and have said it. But why should we say it? Will my people believe it?

I, with true knowledge of the character and true habits of these people, do not assure you of it, since I have only wished to establish a government in order that none of those powers which you call ambitious should be able to take advantage of our good faith, as has been done in the past by the Spaniards. I have done what they desire, establishing a government in order that nothing important may be done without consulting fully their sovereign will, not only because it was my duty, but also because acting in any other manner they would fail to recognize me as the interpreter of their aspirations and would punish me as a traitor, replacing me by another more careful of his own honor and dignity.

I have said always, and I now repeat, that we recognize the right of the North Americans to our gratitude, for we do not forget for a moment the favors which we have received and are now receiving, but however great those favors may be it is not possible for me to remove the distrust of my compatriots.

These say that if the object of the United States is to annex these islands, why not recognize the government established in them in order in that manner to join with it the same as by annexation?

Why do not the American generals operate in conjunction with the Philippin generals, and uniting the forces, render the end more decisive?

Is it intended, indeed, to carry out annexation against the wish of these people, distorting the legal sense of that word? If the revolu-

tionary government is the genuine representative by right and deed of the Filipino people, as we have proved when necessary, why is it wished to oppress instead of gaining their confidence and friendship?

It is useless for me to represent to my compatriots the favors received through Admiral Dewey, for they assert that up to the present the American forces have shown not an active, only a passive cooperation, from which they suppose that the intention of these forces are not for the best. They assert, besides, that it is possible to suppose that I was brought from Hongkong to assure those forces by my presence that the Filipinos would not make common cause with the Spaniards, and that they have delivered to the Filipinos the arms abandoned by the former in the Cavite Arsenal, in order to save themselves much labor, fatigue, blood and treasure that a war with Spain would cost.

But I do not believe these unworthy suspicions. I have full confidence in the generosity and philanthropy which shine in characters of gold in the history of the privileged people of the United States, and for that reason, invoking the friendship which you profess for me, and love which you have for my people, I pray you earnestly, as also the distinguished generals who represent your country in these islands, that you entreat the Government at Washington to recognize the revolutionary government of the Filipinos, and I, for my part, will labor with all my power with my people that the United States shall not repent their sentiments of humanity in coming to the aid of an oppressed people

Say to the government at Washington that the Filipino people abominate savagery, that in the midst of their past misfortunes they have learned to love liberty, order, justice, honor, and civilized life, and that they are not able to lay aside their own wishes when their future lot and history are under discussion. Say also that I and my leaders know what we owe to our unfortunate country, that we know how to admire and are ready to imitate the disinterestedness, the abnegation, and the patriotism of the grand men of America, among whom stands the preeminent, the immortal General Washington.

You and I both love the Filipinos; both see their progress, their prosperity, and their greatness. For this we should avoid any conflict which would be fatal to the interests of both people, who should always be brothers. In this you will acquire a name in the history of humanity and an ineradicable affection in the hearts of the Filipino people. (From General Aguinaldo to Mr. Williams, United States Consul.)

## General Anderson's Relations with General Aguinaldo and the Filipinos.

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The intercourse had by Gen. Thomas M. Anderson with General Aguinaldo prior and up to August 13, 1898, show fair treatment of the latter by General Anderson, and that in his mind, at least, he was considered an ally. The consistent course of Aguinaldo in honorably maintaining that relation, in view of all these circumstances and difficulties peculiar to the situation, reflects credit upon his sagacity and sincerity.

This intercourse upon an amicable basis was not long tolerated by General Merritt after the capture of the city of Manila on August 13, 1898. General Merritt about that time assumed supreme command of the American forces and held the same until superseded by General Otis on August 28, 1898. General Merritt states in his report to the Secretary of War (Mess. and Docs., Vol. I, p. 287) that it was his policy to have no communication with Aguinaldo until after the taking of the city of Manila, and that Manila having been taken, he proceeded to carry out the instructions of the President, which fully contemplated the occupation of the islands by the American land forces; and stated that the powers of the military occupation are absolute and supreme, and immediately operate upon the political conditions of the inhabitants.

It was the carrying out of this policy that eventually brought about the conflict of February 4, 1899, between the insurgent and American forces.

The correspondence of General Anderson and Aguinaldo is as follows:

(DOC. 62, PAGE 390.) GENERAL THOMAS M. ANDERSON TO AGUINALDO.

Headquarters First Brigade, United States Expeditionary Forces,  
Cavite Arsenal, Philippine Islands, July 4, 1898.

Senor Don Emilio Aguinaldo, Commanding Philippine Forces, Cavite,  
Luzon:

General—I have the honor to inform you that the United States of America, whose land forces I have the honor to command in this vicinity, being at war with the Kingdom of Spain, has entire sympathy and most friendly sentiments for the people of the Philippine Islands.

For these reasons I desire to have the most amicable relations with you and to have you and your people cooperate with us in military operations against the Spanish forces.

In our operations it has become necessary for us to occupy the town of Cavite as a base of operations. In doing this, I do not wish to interfere with your residence here and the exercise by yourself and other native citizens of all functions and privileges not inconsistent with military rules.

I would be pleased to be informed at once of any misconduct of soldiers under my command, as it is the intention of my Government to maintain order and treat all citizens with justice, courtesy, and kindness.

I have, therefore, the honor to ask Your Excellency to instruct your officials not to interfere with my officers in the performance of their duties and not to assume that they can not visit Cavite without permission.

Assuring you again of my most friendly sentiment and distinguished consideration, I am, with all respect,

THOMAS M. ANDERSON, Brigadier General U. S. Volunteers, Commanding.

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(DOC. 62, PAGE 390.)

Brigadier General Thomas M. Anderson, Commanding U. S. Volunteers:

General—Interpreting the sentiments of the Philippine people, I have the honor to express to Your Excellency my most profound gratefulness for the sympathy and amicable sentiments which the natives of these islands inspire the great American nation and Your Excellency.

I also thank most profoundly your desire of having friendly relations with us, and of treating us with justice, courtesy, and kindness, which is also our constant wish to prove the same and special satisfaction whenever occasions present.

I have already ordered my people not to interfere in the least with your officers and men, orders which I shall reiterate to prevent their being unfulfilled, hoping that you will inform of whatever misconduct that may be done by those in my command, so as to reprimand and correspond with your wishes.

I beg of Your Excellency to accept in return the assurance of my most respectable consideration. I remain, respectfully, EMILIO AGUINALDO.

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(DOC. 62, PAGE 391.)

Headquarters First Brigade, U. S. Expeditionary Forces,  
Cavite Arsenal, Philippine Islands, July 6, 1898.

Senor Don Emilio Aguinaldo, Commanding Philippine Forces:

General—I am encouraged by the friendly sentiments expressed by Your Excellency in the welcome letter received on the 6th inst., to endeavor to come to a definite understanding, which I hope will be advantageous to both.

Very soon we expect a large addition to our forces, and it must be apparent to you as a military officer that we will require much more room to camp our soldiers, and also store room for our supplies. For this I would like to have Your Excellency's advice and cooperation, as you are best acquainted with the resources of this country.

It must be apparent to you that we do not intend to remain here inactive, but to move promptly against our common enemy; but for a short time we must organize and land supplies and also retain a place for storing them near our fleet and transports.

I am solicitous to avoid any conflict of authority which may result from having two sets of military officers exercising command in the same place.

I am also anxious to avoid sickness by taking sanitary precaution. Your own medical officers have been making voluntary inspection with mine and fear epidemic disease, if the vicinity is not made clean. Would it not be well to have prisoners to work to this end under the advice of the surgeons. I again renew my assurances of distinguished consideration. I am with great respect,  
THOMAS M. ANDERSON, Brigadier General U. S. Volunteers Commanding.

(DOC. 62, PAGE 393.)

Headquarters First Brigade, U. S. Expeditionary Forces,  
Cavite Arsenal, Philippine Islands, July 19, 1898.

Senor Don Emilio Aguinaldo, Commanding General, Philippine Forces:

General—The bearer, Major J. F. Bell, U. S. A., was sent by Major General Wesley Merritt, U. S. A., to collect for him, by the time of his personal arrival, certain information concerning the strength and positions of the enemy and concerning the topography of the country surrounding Manila.

I would be obliged if you would permit him to see your maps and place at his disposal any information you may have on the above subjects, and also give him a letter or pass addressed to your subordinates which will authorize them to furnish him any information they can on these subjects and to facilitate his passage along the lines upon the reconnaissance around Manila, on which I propose to send him.

I remain, with great respect, your obedient servant, THOMAS M. ANDERSON, Brigadier General, U. S. Volunteers Commanding.

Likewise on July 21, 1898, General Anderson sent to Aguinaldo a similar request addressed as before. (Doc. 62, p. 393):

General—I have the honor to request that passes and such other assistance as practicable should be given to the bearer, Lieutenant Bryan, and party, who are making a reconnaissance of the surrounding country. Thanking you for assistance given on previous occasions, etc., etc.

Likewise, on July 22d, General Anderson sent further letter, in which, in conclusion, he states as follows:

I observe that Your Excellency has announced yourself as a dictator and proclaim martial law. As I am here simply in a military capacity I have no authority to recognize this assumption. I have no orders from my Government on the subject; and so far as I can ascertain, your independent status has not been recognized by any foreign power. Your fine intellect must perceive that, happy as I am to see you fighting so bravely and successfully against a common enemy, I can not, without orders, recognize your civil authority.

I remain, etc., THOMAS M. ANDERSON, Brigadier General, U. S. Volunteers, Commanding.



(DOC. 62, PAGES 394-5.) J. (TRANSLATION.)

Bacood, July 24, 1898.

Senor Don Thomas M. Anderson, Brigadier General Commanding Expeditionary Forces:

General—In answer to the letter of Your Excellency, dated the 22d of the current month, I have the honor to manifest to you the following: \* \* \*

I came from Hongkong to prevent my country from making common cause with the Spanish against the North Americans, pledging before my word to Admiral Dewey to not give place (to allow) to any internal discord, because (being), a judge of their desires, I had the strong conviction that I would proceed in both objects, establishing a Government according to their desires.

Thus it is that in the beginning I proclaimed the dictatorship and afterwards when some of the provinces had already liberated themselves from Spanish domination, I established a revolutionary government that to-day exists, giving it a democratic and popular character as far as the abnormal circumstances of war permitted, in order that they (the provinces) might be justly represented and administered to their satisfaction.

It is true that my government has not been acknowledged by any of the foreign powers, but we expected that the great North American nation, which struggled first for its independence, and afterwards for the abolition of slavery, and is now actually struggling for the independence of Cuba, would look upon it with greater benevolence than any other nation. Because of this we have always acknowledged the right of preference to our gratitude.

Debtor to the generosity of the North Americans, and to the favors we have received through Admiral Dewey, and (being) more desirous than any other person of preventing any conflict which would have as a result foreign intervention which must be extremely prejudicial not alone to my nation but also to that of Your Excellency, I consider it my duty to advise you of the undesirability of disembarking North American troops in the places conquered by the Filipinos from the Spanish, without previous notice to this Government, because as no formal agreement yet exists between the two nations, the Philippine people might consider the occupation of its territories by North American troops as a violation of its rights.

I comprehend that without the destruction of the Spanish squadron the Philippine revolution would not have advanced so rapidly. Because of this I take the liberty of indicating to Your Excellency the necessity that, before disembarking, you should communicate in writing to this government the places that are to be occupied, and also the object of the occupation, that the people may be advised in due form and (thus end) prevent the commission of any transgression against friendship.

I can answer for my people because they have given me evident truths of their absolute confidence in their government, but I can not answer for that which another nation whose friendship is not well guaranteed might inspire in it (the people), and it is certain that I do this not as a menace, but as a further proof of the true and sincere friendship which I have always professed for the American people in the complete security that it will find itself completely identified with our cause of liberty. With the greatest respect and consideration.

EMILIO AGUINALDO.

(Doc. 62, p. 397.) On July 27, 1898, General Anderson addressed the following letter to the Adjutant General:

Sir—I have the honor to transmit to you the last letter I received from the insurgent chief, Aguinaldo, dated Bacood, July 24, 1898. This letter has not been answered by me. My whole correspondence with him is also enclosed. Very respectfully, THOMAS M. ANDERSON, Brigadier General, etc., etc.

Likewise, on the 14th of July, 1898, General Anderson addressed to Aguinaldo the following communication (Doc. 62, p. 397):

General—Wishing to get complete information of the approaches to Manila in every direction, I, therefore, have the honor to request that you give my officers all possible assistance in making reconnoissance to the lines and approaches and that you favor them with your advice. Officers coming from me will have a note to that effect. With great respect, THOMAS M. ANDERSON, Brigadier General, etc., etc.

(DOC. 62, PAGE 399.)

August 13th and 14th.

General Anderson—My troops, who have been so long besieging Manila, have always been promised that they could appear in it, as you know, and can not deny, and for this reason and on account of the many sacrifices of money and lives, I do not consider it prudent to issue orders to the contrary, as they might be disobeyed against my authority. Besides, I hope that you will allow the troops to enter because we have given proofs many times of our friendship, ceding our positions at Paranaque, Pasaysingalon and Mytubig. Nevertheless, if it seems best to you and in order to enter into a frank and friendly understanding and avoid any disagreeable conflict before the eyes of the Spaniards, I will commission Don Filipe Buencamino and others, who will to-day go out from our lines to hold a conference with you, and that they will be safe during the conference.

E. A. AGUINALDO.

(DOC. 62, PAGE 399.) (MOST URGENT.) PRESIDENT OF REVOLUTIONARY GOVERNMENT TO GENERAL ANDERSON.

Ermita, Pinada (received from Baccor 10:50 A. M., 13th).

General Anderson, Ermita—I received a telegram. My interpreter is in Cavite; in consequence of this I have not answered till now. My troops are forced by yours, by means of threats of violence, to retire from positions taken. It is necessary to avoid conflicts, which I should lament, that you order your troops that they avoid difficulty with mine, as until now they have conducted themselves as brothers to take Manila.

I have given strict orders to my chiefs that they preserve strict respect to American forces, and to aid them in the case they are attacked by a common enemy. I do not doubt that the good relations and friendship which unite us will be continued if your soldiers correspond to the conduct imposed upon mine.

(Communication received by General Anderson from Aguinaldo the day of the attack of Manila.)

## **The Making of the Treaty of Peace with Spain— The Protocol and the Solar Plexus—Spanish Diplomacy and Presidential Finesse.**

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In June, 1898, continuing his policy of utterly ignoring, or in any way respecting, the aspirations of the Philippine people, who at that time were besieging Manila and fighting the Spaniards in the Philippine Islands, in active cooperation with the American army and navy, President McKinley sent Gen. Wesley Merritt to take command of the land forces, with instructions to assert absolute and supreme authority over all the inhabitants of the archipelago.

Subsequently steps were taken by Spain asking for a suspension of hostilities in order to enter into a treaty of peace with the United States.

The negotiations maintained by the Administration in securing the treaty of peace from Spain are suggestive of the truth of the theory of evolution—that from the intangible and hidden germ proceeds step by step the development of the full purpose.

The preliminary correspondence carried on in behalf of Spain through Jules Cambon, Ambassador from France, and the Administration are not given in Document 62, but a review of that correspondence, on part of the American Commissioners, is set forth in the report of the Peace Commission and made part of Document 62, page 143. A portion of the same, as a matter of narrative, is here presented, and is as follows:

On the 22d of July, 1898, the government of Spain, impelled by and admitting the adverse results of the war, made representations to the President of the United States by written communication of its Minister of Foreign Affairs, transmitted through the Ambassador of France, at Washington, to the express end that "the calamities already so great," and "evils still greater," to the two countries might "be terminated otherwise than by force of arms." The response of the President through Mr. Day, Secretary of State, to this communication was made July 30, 1898, and was in part as follows:

"The President, therefore, responding to Your Excellency's request, will state the terms of peace which will be accepted by him at the present time, subject to the approval of the Senate of the United States hereafter.

"Your Excellency, in discussing the subject of Cuba, intimated that Spain has desired to spare the island the dangers of premature independence. The Government of the United States has not shared the

apprehensions of Spain in this regard, but it recognizes the fact that in the distracted and prostrate condition of the island, aid and guidance will be necessary, and these it is prepared to give.

"The United States will require:

"First. The relinquishment by Spain to all claim of sovereignty over or title to Cuba, and her immediate evacuation of the island.

"Second. The President, desirous of exhibiting signal generosity, will not now put forward any demand for pecuniary indemnity. Nevertheless, he can not be insensible to the losses and expenses of the United States incident to the war, or to the claims of our citizens for injuries to their persons and property during the late insurrection in Cuba. He must, therefore, require the cession to the United States and the immediate evacuation by Spain of the Island of Porto Rico, and other islands now under the sovereignty of Spain in the West Indies, and also the cession of an island in the Ladrões, to be selected by the United States.

"Third. On similar grounds, the United States is entitled to occupy and will hold the city, bay and harbor of Manila, pending the conclusion of a Treaty of Peace, which shall determine the control, disposition and government of the Philippines.

"If the terms hereby offered are accepted in their entirety, commissioners will be named by the United States to meet similarly authorized commissioners on the part of Spain for the purpose of settling the details of the Treaty of Peace, and signing and delivering it under the terms above indicated."

That part of the response of the President of July 30, 1898, as set forth in clauses respectively enumerated as first, second and third of the same, was subsequently embodied as Articles I, II and III of the Protocol of August 12, 1898, signed at Washington by Secretary Day and Ambassador Cambon, acting as plenipotentiary of Spain, and became the necessary basis of the Treaty of Peace to be made. The language of Article I and Article II of the protocol agreement was subsequently embodied verbatim in the Treaty of Peace signed by the American and Spanish Commissioners at Paris, December 10, 1898. The protocol agreement of August 12, 1898, was as follows:

(Doc. 62, p. 144.) Article I.—Spain will relinquish all claim or sovereignty over and title to Cuba.

Article II.—Spain will cede to the United States the Island of Porto Rico, and other islands now under Spanish sovereignty in the West Indies, and also an island in the Ladrões, to be selected by the United States.

Article III.—The United States will occupy and hold the city, bay and harbor of Manila, pending the conclusion of a Treaty of Peace, which shall determine the control, disposition and government of the Philippines.

(Under articles four and five of this Protocol, provisions were made for the meeting of five commissioners on the part of each nation at Paris to proceed to the negotiation and conclusion of a Treaty of Peace.) Article VI of the Protocol is as follows:

Upon the conclusion and signing of this Protocol, hostilities between the two countries shall be suspended, and notice to that effect shall be given as soon as possible by each government to the commanders of its military and naval forces.

Concerning the capture of Manila the American Commissioners state the following (Doc. 62, p. 144):

Before the notice provided for in article VI could possibly have been given, and on the 13th day of August, 1898, the next day after its signature, the American land and naval forces at Manila attacked that city, and upon the 14th of August, 1898, compelled its surrender under the terms of a military capitulation.

Pending the making of the Peace Treaty there was no serious dispute had by the Commissioners regarding Articles I and II of the Protocol, subsequently embodied in Articles I and II of the treaty, except over minor details of the same. But concerning Article III of the treaty a grave and long contention was had by the Commissioners at Paris. It was there claimed by the Spanish Government that the terms of Article III of the Protocol did not admit the possibility that the United States would in any way claim any sovereignty over the Philippine Islands, except the mere temporary possession and occupancy of the city, bay and harbor of Manila.

Concerning this Article III of the Protocol the Spanish Commissioners maintained, in part, as follows (Doc. 62, p. 120):

Therefore the proposition relating to the cession by Spain to the United States of the Philippine Islands, besides not being included or covered by the articles of the Protocol, appears to be in open contradiction of its terms. In the opinion of the Spanish Commission it is a flagrant violation of the agreement.

The Protocol contains six articles, and only one, the third, refers to the Philippine Archipelago. Literally translated (into Spanish) from the official French text, it reads as follows:

"The United States shall occupy and hold the city, the bay and harbor of Manila, pending the conclusion of a Treaty of Peace, which shall determine the inspection (control), the disposition, and the government of the Philippine Islands."

This is all that the Protocol says about the archipelago.

Even accepting as a proper standard for the interpretation of this article, the narrow one of the literal meaning, as claimed (no matter how strange it may appear) by the American Commission, the Spanish Commission would have only to reply that the text of the Protocol refers to nothing else than the temporary or provisional occupation by the United States, of Manila, its harbor, and its bay, until the Treaty of Peace, determining or agreeing upon the inspection, disposition and government of the Philippine Islands, should be concluded.

What has this to do with any change or cession of sovereignty?

This "started the claret" of the American Commissioners, and "first blood" was claimed by Spain. Then followed lively footwork on part of the Spanish Commission, protesting and citing at length the details of the conference of August 4th between the President and Ambassador Cambon prior to the signing of the Protocol (Doc. 62, pp. 121-3), and in the "mix-up" Spain,

concerning "the most worthy President of the Union," delivered the following short-arm "jolt" (Doc. 62, p. 121):

All the foregoing statements must really be considered in excess of necessity, as it is a fact perfectly well known to the American Commissioners, that when the Protocol was signed at Washington, the most worthy President of the Union not only had no idea that Spain would have to cede the Philippine Archipelago to the United States, but entertained, on the contrary, an opposite idea, namely, that Spain would retain her sovereignty over it. \* \* \*

Fiddling for wind, the Spanish Commission then argued regarding the effect of the capture of Manila after the signing of the Protocol, and urged "that the mere provisional character of the occupation of Manila remained even after the Protocol was signed, when General Merritt, contrary to what had been agreed upon in Article VI of the same, forcibly took possession of Manila," and that, in the terms of the surrender agreed upon by the commanders of the Spanish and American forces, respectively, was the following (Doc. 62, p. 121):

The return of the arms surrendered by the Spanish forces shall take place when they evacuate the city or when the American army evacuate it.

Therefore it was understood by those who signed this agreement that the American forces did not permanently occupy the place, as they anticipated the case that they would have to evacuate it. And if they anticipated this, it is clear that they understood their occupation of the place to be merely provisional.

Closing in then, the Spanish Commission (Doc. 62, p. 123) "smashed" our Commission in the face as follows:

"The result is that, while the United States may now come and claim the said sovereignty, the claim can never be founded upon the Protocol."

Round 2. The American Commission, greatly refreshed by skillful sponging and a dash out of the black bottle in their corner, bounded into the ring and knocked the Spanish Commission "galley-west with this right-hand retort (Doc. 62, p. 130):

"The position therefore, is not that its present demands in respect of the Philippines were specifically set out in the Protocol, but that they are justified by and included in the right which it therein expressly reserved and secured to make demands in the future."

Standing over the prostrate form of the Spanish Commission as time was counted, the Champion of America executed a skirt dance. At the call of "nine" Spain rises and chases the American Commission around the ring as the latter between "ducks" to avoid punishment gasped out the following:

(Doc. 62, p. 130.) Putting aside, however, the erroneous assumption of which notice has just been taken, it appears that the Spanish Commissioners differ with the American Commissioners as to the scope and meaning of the third article of the Protocol, signed by the representatives of the two governments, at Washington, on the 12th of August, 1898. This article is as follows:

"Article III.—The United States will occupy and hold the city, bay and harbor of Manila, pending the conclusion of a Treaty of Peace, which shall determine the control, disposition and government of the Philippines."

The Spanish Commissioners contend that in the negotiation and settlement of a treaty under this article nothing can be demanded by the United States which impairs the sovereignty of Spain over the Islands, and that a fair construction of the terms of the article can require only such changes in the government of the island, reforms in administration and kindred changes, as do not affect ultimate Spanish sovereignty.

It is the contention on the part of the United States that this article leaves to the determination of the Treaty of Peace the entire subject of the future government and sovereignty of the Philippines necessarily embraced in the terms used in the Protocol.

Hanging on the neck of the Spanish Commission in the clinch which followed the "chasasee business," the diplomat from Canton smothered the Spanish Commission with the "mitt" over the "meat trap" in the following fashion:

(Doc. 62, p. 140.) It is stated that the occupation of Manila was to be only temporary. This is undoubtedly true. The Protocol, so far as it related to the Philippines, is itself provisional. It expressly provides for the doing of certain things pending the conclusion of a treaty which is in this particular to supersede it. Had it provided for the permanent occupation of Manila by the United States it would have withdrawn the Philippines to that extent from the sphere of future negotiations. \* \* \*

The commanders of the American and Spanish forces did not undertake to determine the right of either party permanently to hold Manila, but contemplated conditions which might require its evacuation by the forces of either country.

But it is as idle to cite the stipulations of the capitulation for the purpose of determining the meaning of the Protocol as it would be to cite the stipulations of the Protocol for the purpose of determining the meaning of the capitulation. It is notorious, that owing to the interruption of telegraphic communication, Manila was captured and the capitulation arranged and concluded by the commander of the American forces in the Philippines without communication with his Government, which was at the moment as uninformed of what was taking place at Manila as was its commander of what was taking place at Washington. It is superfluous, therefore, to argue, even if it were material to do so, that the stipulations of the capitulation can not be invoked in explanation or limitation of the stipulations of the Protocol.

At the final "break away" the odds were ten to one that Spain would not last the round out, but right then the American Commission stumbled over its own feet and bit the dust, and, regarding the occupancy of Manila by the American forces, gurgled out the following:

(Doc. 62, p. 147.) Capitulations are agreements entered into by a commanding officer for the surrender of his army, or by the governor of a town, or a fortress, or particular district of country, to surrender it into the hands of the enemy." (Halleck, Vol. 2, p. 319.)

It follows, then, that the rights of military occupation extend over the enemy's territory only so far as the inhabitants are vanquished or reduced to submission to the rule of the conqueror. Thus, if a fort, town, city, harbor, island, province, or particular section of country, belonging to one belligerent, is forced to submit to the arms of the other such place or territory instantly becomes a conquest, and is subject to the laws which the conqueror may impose on it; although he has not yet acquired the *plenum dominium et utile*, he has the temporary right of possession and government. (Halleck, Vol. 2, p. 434.)

The alert Spaniard, quick to see the fatal mistake of the American Commission—hoping to hang onto all of the Archipelago, except possibly Manila and its environs—jumped with both feet on the prostrate form of the foe, proposing arbitration in the following terms:

(Doc. 62, p. 195-6.) In the opinion of the Spanish Commission; there is another means more simple still and surer, which consists in an agreement by the two Commissions to propose to their governments that an arbitrator or an arbitration tribunal, constituted in the manner by them agreed upon, shall determine the true sense in which Articles III and VI of the Protocol of Washington should be taken.

The difference of opinion between the two Commissions lies principally in the different sense each gives to those articles. This appears from their respective memoranda.

Now, it seems that if ever in international conflicts there is, or may be, anything which men of good will should endeavor to settle by the force of justice, or even by the dictates of equity, instead of force of arms, it is that which consists in a difference of interpretation of an article of any treaty previously agreed upon, arising out of the attempt to put it into execution.

This brought cries of "foul! foul!" and riot began, but in the interest of harmony the bell was rung and the referee ordered the Champions to corner.

Round 3. This round was brief. Spain was still fresh, but the onslaught of the American Commission was irresistible. Beating down Spain's guard, our Commission got in a solar-plexus blow on the attenuated anatomy of the Spanish Commission, and the fight was over. In detail the record shows concerning this round that the American Commission refused on November 16, 1898, to leave the question of the sovereignty of the Philippines to arbitration, and concerning that, replied as follows:

(Doc. 62, p. 210.) The Government of the United States is unable to modify the proposal heretofore made for the cession of the entire archipelago of the Philippines, but the American Commissioners are authorized to offer to Spain the sum of twenty million (\$20,000,000) dollars to be paid in accordance with terms to be fixed in the treaty.



And it being the policy of the United States to maintain in the Philippines an open door to the world's commerce, the American Commissioners are prepared to insert in the treaty now in contemplation a stipulation to the effect that for a term of years Spanish ships and merchandise shall be admitted to the ports of the Philippines on the same terms as American ships and merchandise.

And further, that to this final demand Spain yielded on November 28th ensuing, using in part the following terms (Doc. 62, p. 213):

The government of Her Majesty, moved by lofty reasons of patriotism and humanity, will not assume the responsibility of again bringing upon Spain all the horrors of war. In order to avoid them it resigns itself to the painful strait of submitting to the law of victory, however harsh it may be, and as Spain lacks material means to defend the rights she believes are hers, having recorded them, she accepts the only terms the United States offers her for the concluding of the Treaty of Peace.

The kinetoscope shows the Administration with one foot on the neck of prostrate Spain enforcing "the law of the victor, however harsh," etc., but in all the amphitheater not one thumb is seen turned down. Revenge in the sum of \$20,000,000 appears not to be pleasing to the populace.

At a subsequent conference held on November 22, 1898, the United States Commissioners, by way of a final proposition, through Commissioner Day, stated that in respect to the cession of the Philippines to the United States the United States will pay the sum of \$20,000,000 (Senate Doc. 62, p. 218) and further (Senate Doc. 62, p. 219):

The American Commissioners, therefore, propose, in connection with the cession of territory, "the mutual relinquishment of all claims for indemnity, national and individual, of every kind, of the United States against Spain, and of Spain against the United States, that may have arisen since the beginning of the late insurrection in Cuba, prior to the conclusion of a Treaty of Peace."

And I may add that this offer is made by the American Commissioners in full view of the fact that the citizens of the United States, having claims that come within the foregoing relinquishment, will on the strength thereof, apply to their own Government for indemnity.

(Signed) WILLIAM R. DAY.

This agreement effectually answers the claim so often asserted that the Philippines were taken by way of any indemnity due to the United States. \* \* \*

On November 28, 1898, Spain gave notice of the acceptance of the terms proposed on November 28th, leaving the minor details to be arranged (Doc. 62, p. 222).

On December 5, 1898, the following agreement was also entered into, as the record shows (Doc. 62, p. 229):

The President of the Spanish Commission, having at the last session to consult his government regarding the proposal of the American Commissioners that the United States should maintain public order over the whole Philippine Archipelago, pending the exchange of ratifications of the Treaty of Peace, stated that the answer of his government was that the authorities of each of the two nations should be charged with the maintenance of order in the places where they might be established, those authorities agreeing among themselves to this end whenever they might deem necessary. In view of this reply, the American Commissioners did not insist that this proposal should be incorporated in the treaty.

In view of this agreement it is difficult to see what reason the Administration had for extending the assumed sovereignty of the United States over territory not then occupied by it prior to the ratification of the treaty, either by the proclamation of December 21, 1898, or by force of arms. Every attempt to extend such sovereignty beyond the limits of territory including Manila Bay, city, and environs was clearly, moreover, a breach of that clause of Article VI of the treaty, which provided that the Protocol of August 12, 1898, was:

To continue in force till its provisions are completely executed. i. e., that all hostilities between the two nations should be suspended until peace should be ratified or found to be impossible of attainment by agreement.

In the making of the Paris Treaty of Peace with Spain President McKinley apparently entertained no thought of the aspirations, or battlings, or achievements of the Philippine people for the establishment of a republic and self-government. As the records show, long before the arrival of Admiral Dewey's fleet at Manila Consul Wildman, at Hongkong, had informed the Administration that the condition in the Philippines was substantially the same as in Cuba; that a successful revolution looking to national independence was in progress. It was also known to the President that shortly after Aguinaldo arrived at Manila Bay in May, 1898, a dictatorial government, and immediately thereafter a revolutionary government with a congress and duly authorized officials, was formed and practically put in operation throughout the Archipelago, except in Manila. This had taken place before the signing of the Protocol of August 12, 1898; moreover, before the signing of the Peace Treaty on December 10th thereafter, the proclamation of the independence of the Philippine Republic had been made, and had behind it a regularly organized government, with a victorious army holding several thousand Spanish prisoners of war—and all in accordance with modern methods of warfare and of international obligations. Yet, in view of all these facts, the hopes and

victories of the Philippine people were ignored in the making of the Peace Treaty. To all representatives of that people the door was closed at the Paris conference.

The testimony of no Filipino, nor representative of that people, appears to have been taken by the American Commissioners at Paris, who had summoned before them witnesses from all over the globe to testify about the islands and the people there. The treaty was signed, and then came the demand upon the Filipinos for immediate and absolute allegiance to the United States.

This proclamation of sovereignty was as surprising to the Filipinos as was the demand for the cession of that sovereignty to the Spanish Commissioners, in view of the terms of the Protocol of August 12th. The signing of the Treaty of Peace and capture of Manila brought speedy development of the purpose heretofore secretly maintained by the Administration.



**The Treaty of Peace Between Spain and the United States Signed at Paris on December 10, 1898—  
How it Differs from all Other Territory Ac-  
quiring Treaties of the United States—  
Citizenship and Vassalage.**

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This treaty was transmitted to the Senate by the President on January 4, 1899. It was then read the first time and referred, and ordered to be printed in confidence for use in the Senate. January 11, 1899, the injunction of secrecy was removed. January 15th it was ordered printed. It was ratified by the Senate February 6, 1899, and proclaimed February 10th following. The treaty includes the following provisions:

Article I.—Spain relinquishes all claim of sovereignty over and title to Cuba.

And as the island is, upon its evacuation by Spain, to be occupied by the United States, the United States will, so long as such occupation shall last, assume and discharge the obligations that may under international law result from the fact of its occupation, for the protection of life and property.

Article II.—Spain cedes to the United States the Island of Porto Rico and other islands now under Spanish sovereignty in the West Indies, and the Island of Guam, in the Marianas or Ladrões.

Article III.—Spain cedes to the United States the archipelago known as the Philippine Islands, and comprehending the islands lying within the following lines: (Then follows boundaries of the same.)

The United States will pay to Spain the sum of twenty million (\$20,000,000) dollars within three months after the exchange of the ratifications of the present treaty.

Article IV.—The United States will, for the term of ten years from the date of the exchange of the ratifications of the present treaty, admit Spanish ships and merchandise to the ports of the Philippine Islands on the same terms as ships and merchandise of the United States.

Article V.—After providing for the return of Spanish soldiers held as prisoners of war by the United States, this article contains, among others, this provision:

Spain will, upon the exchange of the ratifications of the present treaty, proceed to evacuate the Philippines, as well as the Island of Guam, on terms similar to those agreed upon by the Commissioners appointed to arrange for the evacuation of Porto Rico and other islands in the West Indies, under the Protocol of August 12, 1898, which is to continue in force until its provisions are completely executed.

Article VI provides for the returning by each nation of all prisoners of war held by them respectively.

Article VII.—The United States and Spain mutually relinquish all claims for indemnity, national and individual, of every kind, of either

government, or its citizens or subjects, against the other government, that may have arisen since the beginning of the late insurrection in Cuba and prior to the exchange of ratifications of the present treaty, including all claims for indemnity for the cost of the war.

The United States will adjudicate and settle the claims of its citizens against Spain, relinquished in this article.

Article VIII.—In conformity with the provisions of Articles I, II and III of this treaty, Spain relinquishes in Cuba, and cedes in Porto Rico, and other islands in the West Indies, in the Island of Guam, and in the Philippine Archipelago, all the buildings, wharves, barracks, forts, structures, public highways, and other immovable property, which in conformity with law, belongs to the public domain, and as such belongs to the Crown of Spain.

And it is hereby declared that the relinquishment or cession, as the case may be, to which the preceding paragraph refers, can not in any respect impair the property or rights, which by the law belong to the peaceful possession of property of all kinds, of provinces, municipalities, public or private establishments, ecclesiastical or civic bodies, or any other associations having legal capacity to acquire and possess property in the aforesaid territories renounced or ceded, or of private individuals, of whatsoever nationality such individuals may be.

Then follows provisions for cession, and preservation of official documents and archives relating to such property and to such rights.

Article IX.—Spanish subjects, natives of the peninsula, residing in the territory over which Spain by the present treaty relinquishes or cedes her sovereignty, may remain in such territory or may remove therefrom, retaining in either event all their rights of property, including the right to sell or dispose of such property or of its proceeds; and they shall also have the right to carry on their industry, commerce, and professions, being subject in respect thereof to such laws as are applicable to other foreigners. In case they remain in the territory, they may preserve their allegiance to the Crown of Spain by making before a court of record, within one year from the date of the exchange of ratifications of this treaty, a declaration of their decision to preserve such allegiance, in default of which declaration they shall be held to have renounced it and to have adopted the nationality of the territory in which they may reside.

The civil rights and political status of the native inhabitants of the territories hereby ceded to the United States shall be determined by Congress.

Article X.—The inhabitants of the territories over which Spain relinquishes or cedes her sovereignty shall be secured in the free exercise of their religion.

Article XI.—The Spaniards residing in the territories over which Spain, by this treaty, cedes or relinquishes her sovereignty, shall be subject in matters civil as well as criminal, to the jurisdiction of the courts of the country wherein they reside, pursuant to the ordinary laws governing the same; and they shall have the right to appear before such courts, and to pursue the same course, as citizens of the country to which the courts belong.

Article XII provides for the determination of judicial proceedings and execution of judgments pending on the date of the final ratification of the treaty.

Article XIII has reference to copyrights and patents acquired

by Spaniards in the territory ceded, and to the admission free of duty into such territory of Spanish scientific, literary and artistic works.

Article XIV gives Spain right to establish consular officers in the territory relinquished or ceded by the treaty.

Article XV.—The government of each country will, for the term of ten years, accord to the merchant vessels of the other country the same treatment in respect of all the port charges, including entrance and clearance dues, light dues, and tonnage dues, as it accords to its own merchant vessels not engaged in the coastwise trade.

This article may at any time be terminated on six months notice given by either government to the other.

Article XVI provides that the—

Obligations assumed by the United States, with respect to Cuba, are limited to the time of its occupancy thereof; but upon the termination of such occupancy, it will advise any government established therein to assume the same obligations.

Article XVII.—The present treaty shall be ratified by the President of the United States, by and with the advice and consent of the Senate thereof, and by Her Majesty, the Queen Regent of Spain; and the ratifications shall be exchanged at Washington within six months from the date hereof, or earlier if possible.

On the part of the United States the treaty was signed by William R. Day, Cushman K. Davis, William P. Frye, George Gray, Whitelaw Reid, and the five Spanish Commissioners.

This is the most remarkable treaty ever entered into by the United States. In all treaties made in modern times the status or condition of all the inhabitants living in the areas ceded or acquired under treaty, have been a matter of supreme consideration between the treaty-making powers. The civil and political and personal rights of the inhabitants whose lands and allegiance are sought thus to be transferred, are invariably distinctly stated and preserved thereby.

In Article IX of this treaty the rights of all Spaniards residing in the Philippine Islands, natives of the (Spanish) Peninsula, are carefully preserved. They have the right thereunder to remain in the islands or to remove therefrom; and all their property or personal rights are reserved to them in any event. They have, moreover, the choice to remain Spanish subjects or to adopt the nationality of the succeeding government. To the native-born Spaniard in those islands is thus preserved a large measure of personal independence. Proudly wrapping about him the cloak of Spanish sovereignty, he can there assert and defend his rights.

By Article XI of the treaty all Spaniards in the islands are brought within the jurisdiction and protection of the courts

there established. Article XIII gives to them all copyrights and patents secured in the Philippines by them prior and up to the time of ratification of the treaty; and Spanish scientific, literary and artistic work are to be admitted to the islands free of duty for ten years after ratification of the treaty.

The Spaniard truly fares well under this treaty. He is highly favored thereby above men of any other race under the sun. But the rights and guarantees thus specified in the treaty to Spaniards are not granted or extended to the natives of any other country residing in the islands. No provision whatever is made for the rights of Germans, Frenchmen, Englishmen, or Americans even, or of any of the great nationalities there other than native-born Spaniards. If they remain in the Archipelago they wander there like the hero of Everett Hale's great masterpiece "without a country," as far as this treaty is concerned.

There is, however, one blessed boon granted to them by this treaty, since they can properly be termed "inhabitants" of the Archipelago. Article X provides:

"The inhabitants of the territory over which Spain relinquishes or cedes her sovereignty shall be secured in the free exercise of their religion."

Thus the treaty which grants to native-born foreigners other than Spaniards there residing, no definite political, civil or personal rights whatever, as far as their mortal state is concerned, does grant by Article X a definite protection for an indefinite hope. Happy inhabitants of the Philippines, entitled, except the Spaniards specified, to no defined protection of any earthly government, they have left to them, under this treaty, the protection of the all-embracing heavens in the life to come!

The treaty makes no provision for securing citizenship, or suffrage, or limiting duties, or maintaining protection "under the free flag of the United States" to such American citizens as may attempt to settle in the Philippines; and what their status may be is a constitutional conundrum that awaits solution.

As for the native inhabitants of the Philippines, the millions now living there, and the millions to come in succeeding generations, their fate, their rights—civil, political and personal—are all determined and embodied in the twenty-five words of the following clause—made a part of Article IX—and are nowhere else defined:

"The civil rights and political status of the native inhabitants of the territories hereby ceded to the United States shall be determined by the Congress."

It is to be observed that this clause does not refer to the inhabitants of Cuba, which island was not ceded to the United States, but was relinquished by Spain with the understanding that the sovereignty to be exercised by the United States was to be temporary only, provisional for the Cuban self-government. It refers solely to the rights of the native inhabitants of the Philippines, the Island of Porto Rico, and other West Indies under the sovereignty of Spain, and to the Island of Guam.

This little clause is the sole guarantee of the rights of millions of people in two hemispheres. Within its provisions are embodied all the liberties which the Administration, under the treaty, proposes to extend to all these peoples in all these areas. And yet within that clause is not to be found any definite guarantee of right, of protection, or of liberty; these things "shall be determined by the Congress."

Previous to the days of the present Administration in all territory-acquiring treaties of the United States these things have been specifically provided for. The civil and personal rights and political status of the inhabitants of the areas acquired have been guaranteed by definite terms in each and every treaty. Therein has been set forth the guarantee that within those areas "the inhabitants shall be incorporated into the Union of the United States and admitted into the enjoyment of all the rights, immunities and privileges of citizens of the United States." The sole exception to this rule is the Hawaiian Treaty, shaped by the policy of President McKinley, the provisions of which are hereinafter set forth.

The clauses securing civil, political, and personal rights of the inhabitants of all areas and lands heretofore acquired by the United States by treaty, or by deeds of cession, are hereinafter presented. The provisions and guarantees thereby secured and maintained stand out in rugged contrast with the lack of the same so strikingly noticeable in the late Spanish Treaty.

To go back to the early days of our history, when the Republic existed only in the hopes of our forefathers, we find that several of the thirteen original States held under their respective charters and colonial grants large areas of territory reaching far back from the border settlements into the unexplored and undefined region to the west. When these thirteen States sought to unite into one federation whereby to carry on the common struggle for self-government, the possession of these extensive areas tended to prevent its formation.

The same Colonial Congress that deliberated over and finally adopted the Declaration of Independence proposed a plan of



confederation which was subsequently ratified by all the States, although not completed till March 21, 1781. The question of a disposition of those outlying lands, thus held by the individual States, long delayed the complete ratification of the same.

On September 6, 1780 (Journals of Congress, Vol. VI, p. 79):

Resolution passed that day urged the several States to surrender a liberal portion of the territorial claims to Western country, since they can not be preserved without endangering the stability of the general confederacy—to remove the impediment, to yield up for general benefit, to pass such laws as may effectually remove the only obstacle to a formal ratification of the articles of confederation.

Shortly thereafter, on October 10, 1780 (Journals of Congress, Vol. VI, p. 213), Congress passed the following:

"Resolved, That the unappropriated lands that may be ceded or relinquished to the United States, by any particular State, pursuant to the recommendation of Congress of the 6th day of September last, shall be disposed of for the common benefit of the United States, and be settled and formed into distinct republican States, which shall become members of the Federal Union, and have the same rights of sovereignty, freedom and independence as the other States. That each State which shall be so formed shall contain a suitable extent of territory, not less than one hundred or more than one hundred and fifty miles square, or as near as the circumstances will admit."

On October 20, 1783, Virginia by Act of Cession of that date (Poore's Federal Constitution and Organic Laws of the United States, Part I, pp. 427-8) authorized delegates to convey to the United States the territory within limits of Virginia Charter northwest of the Ohio, "upon condition that the territory so ceded shall be laid out and formed into States, containing a suitable extent of territory, not less than 100 nor more than 150 miles square, or as near thereto as circumstances will admit, and that the States so formed shall be distinct republican states, and admitted members of the Federal Union, having the same rights of sovereignty, freedom, and independence as the other States. \* \* \* That the French and Canadian inhabitants, and other settlements of the Kaskaskias, St. Vincent's and the neighboring villages who have professed themselves citizens of Virginia, shall have their possessions and titles confirmed to them, and be protected in the enjoyment of their rights and liberties.

This Act of Cession (Poore's Fed. Con. and Org. Laws of U. S., Part I, p. 428) was confirmed by deed of cession October 20, 1784, signed on behalf of Virginia by Thomas Jefferson, Samuel Hardy, Arthur Lee, and James Monroe.

Subsequently Virginia, by act of July 7, 1788 (Poore's Con., etc., Part I, p. 433), agreed to a change of the terms in the

above grant to conform to the provision of the resolution of Congress of July 13, 1787, regarding the areas of the States to be formed out of this territory.

And the States of Massachusetts, Connecticut, and New York also ceded their claims to the Northwest Territory to the United States on the conditions of the Virginia grant (Poore's Con., etc., Part II, p. 1452), so that all that area became the "territory and property" of the United States.

By deeds of cession from North Carolina and South Carolina, and from Georgia, there was added to the United States the areas known as the "Southwest Territory" and the "Mississippi Territory," being the lands stretching westward of these States, respectively, to the Mississippi River.

All of these areas, from all of the States, except from Georgia, came into the possession of the United States before the adoption of the Constitution. The latter party had made a proposition of cession to the same effect, which was under consideration at the time the Constitution was adopted, and shortly thereafter the latter cession was completed.

Concerning these areas President Monroe on May 4, 1822, in his veto message to Congress of "An act for Preservation and Repair of the Cumberland Road" states the following (Veto Messages of the Presidents of the U. S., 49th Congress, 2d session, Sen. Mess. Docs. No. 53, p. 62):

"This is the territory, and this the property, referred to in the second clause of the Fourth Article of the Constitution.

A fact which should be ever present in the minds of the statesmen of to-day who argue that by that clause in the Constitution imperial power is given to Congress to govern the Philippines.

Concerning these areas thus acquired Chief Justice Taney in the Dred-Scott case says:

By resolution passed October 10, 1780, Congress pledged itself that if the land were ceded as recommended they should be disposed of for the common benefit of the United States, to be settled and formed into distinct representative States, which should become members of the Federal Union, and have the same rights of sovereignty and freedom and independence as the other States.

In confirmation of the conditions of the several cessions made by the States to the United States of the Northwest Territory, Congress on July 13, 1787 (Poore's Con., etc., Part I, pp. 429-32) passed "An Ordinance for the Government of the Territories of the United States Northwest of the River Ohio." Section 9 of this ordinance provided, that as soon as there be 5,000 male inhabitants of full age in the district they were to

elect representatives in the general assembly. Section 12 provided for the sending of delegates from such districts to the Congress.

Section 13 of this ordinance is as follows:

"And for extending the fundamental principles of civil and religious liberty, which form the basis wherein these republics, their laws and constitutions are erected; to fix and establish these principles as the basis of all laws, constitutions, and governments which forever hereafter shall be formed in the said territory; to provide, also, for the establishment of States, and permanent government therein, and for their admission to a share in the Federal Councils on an equal footing with the original States, at as early periods as may be consistent with the general interests."

Section XIV: "It is hereby ordained and declared, by the authority aforesaid, that the following articles shall be considered as articles of compact between the original States and the people and States in said territory, and forever remain unalterable, unless by common consent, to wit:—"

Then follows Article I, which provides for freedom of worship and religious liberty.

Article II provides for right of habeas corpus and trial by jury; proportionate representation in legislature; judicial proceedings according to the course of common law; that there shall be no cruel or unusual punishments; that no man shall be deprived of liberty or property but by judgment of his peers or the law of the land; that all persons accused of crime shall be admitted to bail, except in capital offenses where presumption of guilt is strong; and that there should be no interference with the right of private contract.

Article III provided for the maintenance of the rights and liberties of the Indian inhabitants of the territory, and declared that they should be treated ever with good faith and their property rights preserved,

"Their rights and liberties never to be invaded or disturbed, unless in just and lawful war, authorized by Congress;" and that laws shall be made to preserve their friendship.

Article IV is as follows:

"The said territory and States which may be formed therein, shall forever remain a part of this confederacy of the United States of America, subject to articles of confederation, and to such alterations as shall be constitutionally made; and to all acts and ordinances of the United States Congress assembled, conformable thereto." This article also had a provision for unrestricted trade and intercourse of commerce between the several States.

Article V provided, among other provisions, as follows:

Whenever any such of the said States shall have sixty thousand free inhabitants therein, such State shall be admitted by its delegates into the Congress of the United States, on an equal footing with the original States, in all respects whatever; and shall be at liberty to form

a permanent constitution and State government: Provided, the constitution and government, so to be formed, shall be republican, and in conformity to the principles contained in these articles, and, so far as it can be consistent with the general interest of the confederacy, such admission shall be allowed at an earlier period, and when there may be a less number of free inhabitants in the State than sixty thousand.

Article VI contained provisions against the extension of slavery and for the return of fugitive slaves.

Out of the Northwest Territory, the Southwest Territory and Mississippi Territory have been carved and erected the following States of the Union:

Ohio, Indiana, Illinois, Wisconsin, Michigan, Tennessee, Mississippi, and Alabama; and out of the Virginia Reserve (south of the Ohio River) the States of Kentucky and West Virginia.

In all this area and in all these States the Constitution of the United States is supreme, and as yet no lodgment has been found therein for the exercise of imperial power, either by the President or the Congress of the United States. The compact made by the United States and the several States of the original thirteen ceding this territory, providing for the erection of sovereign States and their incorporation into the Union, has been carried out; and in that land has rang out no trumpet-toned proclamations of "benevolent assimilation."

The next accession to the area of the United States came by virtue of the "Treaty between the United States of America and the French Republic, concluded April 30, 1803."

This treaty was laid before Congress by President Jefferson, accompanied by a message (Poore's Con., etc., Part I, p. 687) wherein he expressed the confidence that this acquisition promised "an ample provision for our prosperity, and a wide spread for the blessings of freedom and equal laws."

This gain to the area of the United States was the act of a Democratic administration; and hence had behind it the inspiration of securing to all the inhabitants of the territory acquired "freedom and equal laws." To that end the following guarantees were put into the treaty:

Article III of the treaty (Treaties and Conventions of the United States, etc., p. 276) is as follows:

"The inhabitants of the ceded territory shall be incorporated in the Union of the United States, and admitted as soon as possible, according to the principles of the Federal Constitution, to the enjoyment of all the rights, advantages, and immunities of the inhabitants of the United States; and in the meantime they shall be maintained and protected in the free enjoyment of their liberty, property, and the religion which they profess."

By this treaty was guaranteed to the inhabitants of the ceded territory the same rights secured to all the inhabitants of the Union. Sovereign Statehood was also guaranteed "as soon as possible according to the principles of the Federal Constitution."

This provision secured the admission into the Union of States to be carved out of and erected in such territory as soon as the requisite number of inhabitants should settle therein and apply for the same in conformity to the Federal Constitution. The rapid settlement of this vast area has added to the Union, each equal in sovereign power and dignity to the several thirteen original States, the following named States: Louisiana, Arkansas, Missouri, Iowa, Minnesota, North Dakota, South Dakota, Montana, part of Wyoming, Nebraska, Colorado, part of Kansas, and Indian Territory, and Oklahoma Territory.

Article V of this treaty is as follows:

"The United States promised to execute such treaties and articles as may have been agreed upon between Spain and the tribes and nations of Indians, until, by mutual consent of the United States and said tribes or nations, other suitable articles shall have been agreed upon."

Here is an acknowledgment of the rights of the uncivilized red men, inhabitants of the ceded area, and of respect for their right of self-government within their tribal relations, which are not to be interfered with unless by "mutual consent of the United States and said tribes or nations." But this Spanish treaty of the present Administration ignores all consideration of the right of millions of civilized brown men to preserve home rule in local or national affairs, and guarantees to them no definite political rights whatever.

That part of the area of the United States originally known as East and West Florida was acquired by "Treaty of Amity and Limits Between the United States of America and Spain," concluded February 22, 1819, and ratified and proclaimed February 22, 1821.

Article V of this treaty (Treaties and Conventions of the U. S., pp. 789-90) is as follows:

"The inhabitants of the ceded territory shall be secured in the free exercise of their religion, without any restrictions; and all those who may desire to move to the Spanish dominion shall be permitted to sell or export their effects at any time whatsoever, without being subject in either case to duties."

Article VI is as follows:

"The inhabitants of the territory which His Catholic Majesty cedes to the United States by the treaty, shall be incorporated in the Union of the United States as soon as may be consistent with the principles

of the Constitution, and admitted to the enjoyment, rights, privileges and immunities of the citizens of the United States."

By this treaty citizenship and Statehood are provided for in the ceded territory, under the Administration of President Jackson; and, in accordance with the terms of the guarantees, are to-day enjoyed through all the area of Florida.

The next addition to the area of the United States was acquired from Mexico and confirmed in the Treaty of Guadalupe Hidalgo, May 30, 1848 (Treaties and Conventions of the U. S., p. 556).

Article VIII of that treaty provided that the Mexican inhabitants of that territory might elect to preserve their nationality or become citizens of the United States. And if no election was made within one year after the ratification of the treaty they should be presumed to have elected to become citizens of the United States. They had also the right to remove from the territory, taking with them all their effects and property without restriction.

Article IX of this treaty is as follows:

"The Mexicans who, in the territories aforesaid, shall not preserve the character of citizens of the Mexican Republic, conformably with what is stipulated in the preceding articles, shall be incorporated into the Union of the United States, and be admitted at the proper time (to be judged of by the Congress of the United States) to the enjoyment of all the rights of citizens of the United States, according to the principles of the Constitution. And in the meantime shall be maintained and protected in the free enjoyment of their liberty and property and secured in the free exercise of their religion without restriction."

The guarantees of this treaty forthwith prevailed throughout all that vast area without the aid of military force or of proclamation of "benevolent assimilation." Here was a population defeated in war by the United States, alien in race, language and characteristics, contented to become citizens of the conquering country because under its Constitution they were guaranteed sovereign citizenship and democracy. Those guarantees put into the late Treaty of Peace with Spain concerning the Philippines would have made that people forever our friends, and secured their islands from the horrors and desolation of war, engendering, as it does, the hatred of generations to come.

Additional territory, known as the Gadsden Purchase, was acquired from Mexico by the United States by treaty proclaimed June 30, 1854. This treaty was primarily a settlement of boundary dispute between two countries, and in Article V of the same it is provided that Articles VIII and IX of the Guadalupe Hidalgo Treaty should apply to the territory ceded, "and to all

the rights of persons and property, both civil and ecclesiastical, within the same as fully and effectually as if the said articles were herein set forth." (10 U. S. Statues, 1032.)

The territory acquired from Mexico by the Gadsden Purchase and the treaty of 1848 is now included within the boundaries of the following States and Territories: California, Nevada, Utah, Arizona, part of Wyoming; and New Mexico, and part of Kansas. These States and Territories are all incorporated in the Union under the guarantees therein specified. Treaties of Peace which, like the Mexican Treaty, respect the rights and aspirations of an independent manhood bring enduring peace; but treaties like the Spanish Treaty of Peace made by the present Administration, overriding the rights and hopes of men who love and seek liberty, can bring only fresh warfare and ever present animosity.

In 1836 the then State of Texas declared her independence of the Mexican Republic. In a convention between the United States and Texas in 1838 the limits of territory between Mexico and the United States made in 1828 was declared to be binding on Texas, which at that time was a part of Mexico, and the line establishing the same was set up.

In 1845 Texas desiring to become one of the United States, the Resolution of the Annexation of Texas was passed by the Twenty-eighth Congress, second session (Poore's Con., etc., Vol. II, pp. 1764-5), and the following declaration made thereby:

That Congress doth consent that the territory properly included within, and rightfully belonging to the Republic of Texas, may be erected into a new State, to be called the State of Texas, with a republican form of government, to be adopted by the people of said republic, by delegates in Convention assembled, with the consent of the existing Government, in order that the same may be admitted as one of the States of the Union.

It was further provided by Congress that:

New States of convenient size, not exceeding five in number, in addition to the State of Texas, and having sufficient population, may hereafter, with consent of said States, be formed out of the territory thereof, which shall be entitled to admission, under the provisions of the Federal Constitution.

In the joint resolution of Congress passed December 29, 1845, admitting Texas to the Union, the laws of the United States—

Were declared to extend to and over, and to have full force and effect within the State of Texas, admitted at the present session of Congress into the Confederacy and Union of the United States. (Poore's Con., etc., Part II, pp. 1764-5.)

Here was natural expansion sought for and secured by neighboring and kindred peoples in striking contrast to the policy

of President McKinley that seeks to impose upon a far-distant and unlike people despotic sovereignty hateful both to them and to the citizens of our own country.

That part of the United States formerly known as the Oregon Territory came as an accession due to discovery and occupancy rather than by virtue of formal treaty cession.

The convention between the United States and Russia entered into at St. Petersburg April 5, 1824, and ratified January 12, 1825, simply fixed the boundary line between the two sections in the but little explored Pacific region, and provided that the citizens or subjects of the high contracting powers should not be disturbed in the navigation and fishing there carried on, on their respective sides of such boundary line (Poore's Con., etc., Part II, pp. 1483-4).

In convention between Great Britain and the United States entered into at London October 20, 1818, and ratified January 19, 1819, it was provided "That the territory on Pacific Coast of North America west of the Stoney Mountains should be free and open for the term of ten years from date of signature of the present convention to the vessels, citizens and subjects of the two powers; it being well understood that agreement is not to be construed to the prejudice of any claim that either of the two contracting powers may have to any part of said territory" (Poore's Con., etc., Vol. II, p. 1482-3).

By convention of August 6, 1827, this convention was indefinitely extended with right of either party to abrogate the same on twelve months notice. By joint resolution of April 27, 1846, the President was authorized to give notice for abrogation of the joint occupancy. This act resulted in the making of the treaty between the United States and Great Britain at Washington on June 15, 1846, ratified August 5, 1846, establishing the boundary line in that territory between the two governments, and the joint right of navigation in the waters which form a part of that boundary line. Article III of the treaty provided for the protection of the property rights of the Hudson Bay Company and the British subjects south of the forty-ninth parallel of north latitude, who at that time were the chief settlers in that region (Poores Con., etc., Part II, pp. 1483-4).

Immigrants from the United States, however, had established as early as 1845 a "home-made" government, with a constitution and provisional functions, which was merged into the regularly constituted territorial government of the United States in 1849. The subsequent additional settlement of that territory resulted in the formation and erection of the sovereign States of Oregon,



Washington, and Idaho. Home rule and self-government came to those States as a natural consequence of the occupancy by American manhood of the uninhabited wilds of the "Far West." This was American expansion—not the new-fangled Asiatic brand dealt in by the present Administration.

That area added to the United States known as Alaska came by virtue of treaty made by the United States with Russia on June 20, 1867 (Treaties and Conventions, Vol. I, p. 742).

Article III of the treaty is as follows: "The inhabitants of the ceded territory, according to their choice, reserving their natural allegiance, may return to Russia within three years, but if they prefer to remain in the ceded territory they, with the exception of uncivilized native tribes, shall be admitted to the enjoyment of all the rights, benefits and immunities of citizens of the United States, and shall be maintained and protected in the free enjoyment of their liberty, property and religion. The uncivilized tribes will be subject to such laws and regulations as the United States may from time to time adopt in regard to aboriginal tribes of that country."

This treaty was not made under a Democratic Administration, and provision for admission of the territory into the Union as a sovereign State was not so carefully set forth therein as had been the case in all former treaties. It does, however, admit the inhabitants "to the enjoyment of all the rights, benefits and immunities of citizens of the United States," which guarantee means ultimate Statehood.

At the time Alaska was purchased the country was practically uninhabited, except by Esquimaux and kindred tribes. It was then believed that the climate and conditions of life there would forbid any permanent settlement of that region. If, however, the mineral and other resources shall hold sufficient population in the near or any distant future, the Territory will then surely become a sovereign State in the Union, even under the terms of this treaty.

But, on the other hand, under the terms of this Spanish Treaty the Filipinos can cherish no hopes, even vague, for independence and self-government—and it contains for them no promise of ultimate incorporation into the citizenship of the United States. It asserts vassalage merely—and by force of arms.

The Hawaiian Treaty was signed at Washington on June 16, 1897, by the plenipotentiaries of the respective powers, and ratified July 11, 1898. It is as follows (Statutes U. S.):

Article I.—The Republic of Hawaii hereby cedes absolutely and without reserve to the United States of America all rights of sover-

eighty of whatsoever kind in and over the Hawaiian Islands and their dependencies; and it is agreed that all the territory of and appertaining to the Republic of Hawaii is hereby annexed to the United States of America under the name of the Territory of Hawaii.

Article II.—The Republic of Hawaii also cedes and hereby transfers to the United States the absolute fee and ownership of all public, government or crown lands, public buildings or edifices, ports, harbors, military equipments and all other public property of every kind and description belonging to the Government of the Hawaiian Islands, together with every right and appurtenance thereunto appertaining.

The existing laws of the United States relative to public lands shall not apply to such lands in the Hawaiian Islands; but the Congress of the United States shall enact special laws for their management and disposition; Provided: That all revenue from or proceeds of the same, except as regards such part thereof as may be used or occupied for the civil, military or naval purposes of the United States, or may be assigned for the use of the local government, shall be used solely for the benefit of the inhabitants of the Hawaiian Islands for educational and other public purposes.

Article III.—Until Congress shall provide for the government of such islands all the civil, judicial and military powers exercised by the officers of the existing government in said islands, shall be vested in such person or persons and shall be exercised in such manner as the President of the United States shall direct; and the President shall have power to remove said officers and fill the vacancies so occasioned.

The existing treaties of the Hawaiian Islands with foreign nations shall forthwith cease and determine, being replaced by such treaties as may exist, or as may be hereafter concluded between the United States and such foreign nations. The municipal legislation of the Hawaiian Islands, not enacted for the fulfilment of the treaties so extinguished, and not inconsistent with this treaty nor contrary to the Constitution of the United States, nor to any existing treaty of the United States, shall remain in force until the Congress of the United States shall otherwise determine.

Until legislation shall be enacted extending the United States customs laws and regulations to the Hawaiian Islands, the existing customs relations of the Hawaiian Islands with the United States and other countries shall remain unchanged.

Article IV.—The public debt of the Republic of Hawaii, lawfully existing at the date of the exchange of the ratifications of this treaty, including the amounts due to depositors in the Hawaiian Postal Savings Bank, is hereby assumed by the Government of the United States; but the liability of the United States in this regard shall in no case exceed \$4,000,000. So long, however, as the existing government and the present commercial relations of the Hawaiian Islands are continued, as hereinbefore provided, said government shall continue to pay the interest on said debt.

Article V.—There shall be no further immigration of Chinese into the Hawaiian Islands, except upon such conditions as are now or may hereafter be allowed by the laws of the United States, and no Chinese by reason of anything herein contained shall be allowed to enter the United States from the Hawaiian Islands.

Article VI.—The President shall appoint five commissioners, at least two of whom shall be residents of the Hawaiian Islands, who shall as soon as reasonably practicable, recommend to Congress such legislation concerning the Territory of Hawaii as they shall deem necessary or proper.

Article VII provides for the ratification of the treaty by the respective republics.

The precise effect of this treaty is yet to be determined. The Hawaiian Islands by Article I are under the name of the "Territory of Hawaii." It seems to be in name only, for no provision in the treaty guarantees Territorial government looking toward Statehood; and the incorporation of the Hawaiian Islands as a State, or as States, into the United States is not provided for, or hinted at, therein. It makes no provision for the incorporation of the inhabitants of the islands as citizens of the United States, or for the guarantee to them of the "enjoyment of all the rights, benefits and immunities of the same." It is the first territory-acquiring treaty ever made by the United States that has not contained such guarantees. The clause in Article III in reference to municipal legislation suggests local self-government "until the Congress shall otherwise determine." But that suggestion is entirely smothered out and rendered ineffectual by the weight of arbitrary power conferred upon the President of the United States meanwhile. Practically to-day President McKinley is Emperor of Hawaii and Autocrat of the Sandwich Islands. He may do or undo, fail to do, or compel others to do, or not to do there whatever he may choose "until the Congress shall provide some other government for the islands." The subserviency of a republican Congress to the will of the Chief Executive creates the impression that so long as he remains President he will also continue to be Emperor of Hawaii—although uncrowned.

The treaty assumes that the Hawaiian people are too lazy to legislate for themselves—which may be true—but it also assumes that a body of men distant from the islands by half the width of the Pacific and the entire breadth of this continent, and who never have seen the islands, or a native of the same, can successfully perform that function.

This Hawaiian Treaty foreshadowed the late treaty with Spain. It outlines the Philippine policy of the Administration also. Its ratification was urged on as a necessary war measure whilst that war was in progress; and now it is declared to be a precedent to be followed. The history of the United States never before furnished such a treaty. It is un-American, dangerous to liberty, and a blot upon the policy of the Republic heretofore pursued in the acquisition of territory.

The minor details of the treaty are also vicious. Under Article II the land syndicates are cared for, but settlement by homestead is made impossible in the islands. From a paradise of

earthly beauty and salubrity Hawaii, under this treaty, is virtually a monopolistic hell and a veritable slave-pen owned by trusts.

This Treaty of Peace with Spain contains clauses other than Articles IX and II that demand the attention of the voters of this country; some of which will hereinafter be considered in other connections. But Article IX of the Spanish Treaty has within it the manifest potency to make wreck of the Republic here, as well as to shut out all hope of democracy in the Philippines.

An administration capable of sanctioning or making the Hawaiian Treaty and the last clause of Article IX of the late Treaty of Peace with Spain, will hesitate at no step to maintain autocratic power in the Philippines, or to establish it here. It is time to wake up!



**The Purpose Revealed — Proclamation of Sovereignty Precedes the Ratification of the Treaty—  
Usurpation at Home and Abroad.**

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Numerous acts of the Administration up to the signing of the Protocol of August 12, 1898, are suggestive of the settled purpose not to recognize, in any way, the desire of the Philippine people to gain for and maintain in themselves the sovereignty of those islands. This swelling hope glowing in the hearts of so numerous a portion of a people numbering some eleven million souls, represented the aspirations of a race emerging from darkness into light—it was the evolution of democracy itself there in the Eastern seas. As such it appealed to the generous instincts of the American people, and surely demanded from the Chief Executive every encouragement within his power to grant. Unfortunately there is not in all the intercourse of the Administration with these people, a single instance which can be pointed out as an expression of sympathy or aid extended them in their purpose of establishing there democracy and self-government.

In this connection it is well to consider the policy pursued by President McKinley toward the people of Cuba from the very time of his inaugural to the present hour. It is in harmony with the lines of the Philippine policy of the Administration.

In the case of the Cubans, suffering under tyranny and struggling for liberty, the hand of President McKinley has never been voluntarily raised in their behalf. The war declared by Congress for the relief and independence of the Cuban people, compelled from the Executive an unwilling interference in their aid. By the policy of the Administration the interposition of our Government was long and strangely delayed. Not until the aroused sentiment of the American people swept aside that policy and declared that "Cuba shall be free!" was the war begun. Looking back now over the weary months of waiting, here in our own country, after the coming into power of the present Administration, and during which in the face of the whole world Spanish atrocities against humanity itself were maintained with the express purpose of smothering out in Cuba all hope of democracy, it is evident that the prompt recognition of Cuban

independence by this country a year before war was declared would, perhaps, have averted that war and saved to ourselves and to the Cubans the horrors and bloodshed of that struggle. The inspiration of that war was democracy; and by the lovers of democracy—the masses of the American people—regardless of party affiliation, at the cost and sacrifice of life and treasure, it was maintained to a successful issue.

Since the close of that war, nearly two years ago, the course pursued by the Administration shows little purpose on its part to bring about the independence of Cuba—voiced so heartily by Congress at its beginning. The Cubans, our acknowledged allies, who fought side by side with our soldiers against Spain, have been despoiled of their arms, and a military government under the command of the Administration now holds them under alien subjection—and apparently they are no nearer self-government and democracy than they were under Spanish rule.

The Executive has never turned over to Congress the question of self-government for Cuba, and thus far has manifested no purpose save to continue military occupation of that island indefinitely. The delights of autocratic power seemed to have benumbed in the mind of the President all faith in democratic principles.

That prior to the destruction of the Spanish fleet in Manila Bay, and since that time, doubts and difficulties, diplomatic and otherwise, would naturally arise concerning the course to be pursued in the Philippines, all fair-minded men must admit. That the responsibilities of the situation during all that time have been weighty and properly should demand a conservative course as affecting the policy of other nations besides our own, is apparent. But why through it all has the thought of permitting the Filipinos to maintain such measures of self-government as they had themselves achieved, been persistently excluded from the mind of the Executive? Why by provisions deliberately inserted in the Paris Treaty of Peace with Spain, and by war waged in those islands, has the door of hope been closed by the Administration to the Philippine people? The course thus pursued points out a purpose which is utterly inconsistent with a desire to uphold those principles of government that have been the pride and strength of our own people.

The positive instructions to our consuls in that region, as shown by the records hereinabove cited, indicate that from the very hour the Spanish navy was sunk in the waters of Manila Bay it was in the mind of the Administration that the Philippine people should never rule themselves; and that the right of self-

government in the Philippines should not be recognized by the United States.

It was not even at first apparent that the Administration intended to take possession of the islands; but each step pursued in the course of events has made plainer that growing purpose.

In the interviews and proceedings had by the President with the French Ambassador, Jules Cambon, on behalf of the Spanish government, in reference to the signing of the Protocol agreement of August 12, 1898, the former evinced a certain shiftiness and craft in concealing from the ambassador and the Spanish government any purpose to demand subsequently the cession of the Philippine Islands to the United States. The discussion had on that point at the Paris Peace Conference later on, as shown by the record, proves that the faith of the Spanish Commissioners, at least, in the scrupulous personal honor of the President of the United States was not strengthened thereby.

The integrity of our Chief Executive, as shown by the argument of the Spanish Peace Commissioners (Doc. 62, pp. 179-188) was unfortunately involved in the interpretations to be given to words of strikingly elastic meaning evidently spoken by the President with the intent to conceal rather than to convey thought.

On the very day after the Protocol was signed (August 13, 1898) a telegram was sent by the President to Admiral Dewey inquiring particularly as to the resources of the several Philippine Islands and which was the most desirable (Mess. and Doc., Vol. IV, p. 122), and yet at that time, the interpretation of the terms of Article III of the Protocol, subsequently demanded by the Administration, had been carefully veiled from the gaze of the French Ambassador and the Spanish government.

In the interval between the Protocol agreement of August 12, 1898, providing for the cessation of hostilities pending the deliberations of a Peace Commission, up to the final agreement for peace entered into on December 10, 1898, at Paris, the manifest intention of the President as shown by the record, continued to be to ignore all consideration of the wishes or demands of the Philippine people for any measure of self-government—either looking towards their national independence, or to securing the same under the protection of the United States. Their rights were not discussed at the Paris Conference, and they were not allowed to be in any way represented at the same.

On the day after the signing of the Peace Protocol, August 13, 1898, owing to lack of telegraphic communication, the joint

forces of the United States and of the Filipino insurgents captured the City of Manila; the former, however, excluding the Philippine army therefrom, and taking sole possession of the city. This possession, mistakingly gained after the agreed cessation of hostilities, could, strictly, give our forces nothing but a temporary military possession of the city and its environs—and in no event no right to claim jurisdiction over any other portion of the island which, at that time, and later on also, were entirely in possession of the Philippine government.

But subsequently when the peace agreement was entered into at Paris December 10, 1898, and, as the Spanish Commissioners put it, "Spain had resigned herself to the painful strait of submitting to the law of the victor, however harsh it may be," the purpose of the Administration became even more apparent, as shown by the last clause of Article IX of that treaty, which is as follows:

#### ARTICLE IX.

"The civil rights and political status of the native inhabitants of the territories hereby ceded to the United States shall be determined by the Congress."

In all the acquisitions of territory heretofore made by the United States and secured by treaty up to that hour, there had always been provided by such treaties, in effect, except in the case of the Hawaiian treaty made by the present Administration, that the inhabitants of such acquisitions should have secured to them thereby the speedy or ultimate hope of becoming a part of the body politic of the United States; and to have granted to them thereby the inalienable rights to secure which for all beneath our flag forever our own independence was declared and our own Constitution adopted.

The exclusion of such a guarantee in the Spanish Treaty of 1898, and the insertion therein of that provision in Article IX of same, was the irrevocable step taken by the President across the Rubicon—and from that hour the purpose stood forth as clearly as if behind it marched the legions of Caesar. In that treaty was proclaimed to the world the purpose to impose the alien sovereignty of the United States upon the Philippine people. The fulfillment of that purpose means the rule of might in the Philippines and the ruin of government by the people here in this country.

After the signing of the peace agreement at Paris December 10, 1898, it would appear as if a growing carelessness and indifference to the long-accustomed constraints imposed upon ad-



ministrative functions took possession of the mind of the Executive. The signing of the Treaty of Peace by the Commissioners at Paris was by no means a step that made its final ratification by the Senate of the United States a certainty. By its terms six months were allowed in which it might be ratified by the respective governments, and throughout that interval it was stipulated that affairs in the Philippines were to remain in statu quo; each nation—Spain and the United States—exercising authority only over the portions then actually occupied by the same. This agreement gave to the United States temporary sovereignty over Manila and its environs and bays, leaving Spain, if she could, as against the insurgents, to hold the rest of the Archipelago.

The treaty could not operate to convey territory or transfer allegiance until consummated by ratification and proclamation, which latter took place on the 10th day of February, 1899. Not an acre of Philippine soil, in any event, could completely vest in the Government of the United States until such proclamation was made.

There could be no transfer to the United States of sovereignty in any area of the Philippines that was not accompanied by transfer of possession and dominion of the same. Spain had neither sovereignty over land or people, in actual possession or control, in the Philippines after the capture of Manila. She could not transfer what she was powerless to hold or regain. The Philippine people were in possession of all the Archipelago, except the Bay and City of Manila, and environs of the same.

The occupation of Manila by the United States, either by virtue of the Protocol of August 12th, or by capture on the following day, was merely a temporary military possession to be maintained for the purpose of weakening the enemy in the carrying on a war, not for conquest, but for the liberty of the far-away Cuban people. What then was gained by the agreement to pay the \$20,000,000, or by the payment of the same—and for what purpose was such a policy carried out by the Administration? Three big "D's" (Duty, Destiny, and Deity) appear to be the only explanation ever given to this question. The expenditure of "D's" all through this Philippine problem has been very great—and no relief is in sight.

But within eleven days after the signing by the Commissioners of the treaty at Paris and thirteen days before the treaty was transmitted to the Senate for its consideration, and forty-five days before it was ratified by the same, President McKinley

issued his proclamation of December 21, 1898, setting up the sovereignty of the United States over the entire Philippine Archipelago, and calling upon all the inhabitants thereof to yield instant and unceasing obedience to the military government of the United States thus sought to be established. Confessedly it was not certain the treaty would ever be ratified by the Senate. Neither that body nor the American people, prior to that time (December 21, 1898) had been officially notified by the President of its existence or its terms—and yet the commanders of the American forces were instructed to carry out in the name of “benevolent assimilation” the behests of that proclamation by power of the army and navy of the United States. The proclamation is as follows:

Executive Mansion,  
Washington, D. C., Dec. 21, 1898.

To the Secretary of War, Sir:

The destruction of the Spanish fleet in the harbor of Manila by the United States naval squadron, commanded by Rear Admiral Dewey, followed by the reduction of the city and the surrender of the Spanish forces, practically effected the conquest of the Philippine Islands, and the suspension of Spanish sovereignty therein. With the signature of the Treaty of Peace between the United States and Spain by their respective plenipotentiaries at Paris on the 10th instant, and as the result of the victories of American arms, the future control, disposition, and government of the Philippine Islands are ceded to the United States. In fulfilment of the right of sovereignty thus acquired, and the responsible obligations of government thus assumed, the actual occupation and administration of the entire group of the Philippine Islands becomes immediately necessary, and the military government heretofore maintained by the United States in the city, harbor, and bay of Manila, is to be extended with all possible dispatch to the whole of the ceded territory.

In performing this duty the military commander of the United States is enjoined to make known to the inhabitants of the Philippine Islands that in succeeding to the sovereignty of Spain, in severing the former political relations of the inhabitants, and in establishing a new political power the authority of the United States is to be exerted for the security of the persons and property of the people of the islands and for the confirmation of all their private rights and relations. It will be the duty of the commander of the forces of occupation to announce and proclaim in the most public manner that we come not as invaders or conquerors, but as friends, to protect the natives in their homes, in their employments, and in their personal and religious rights. All persons who, either by active aid or by honest submission, cooperate with the government of the United States to give effect to these beneficent purposes will receive the reward of its support and protection. All others will be brought within the lawful rule we have assumed, with firmness if need be, but without severity so far as may be possible.

Within the domain of military authority, which necessarily is and must remain supreme in the ceded territory until the legislation of the United States shall otherwise provide, the municipal laws of the territory, in respect to private rights and property and the repression of crime, are to be considered as continuing in force and to be admin-

istered by the ordinary tribunals so far as practicable. The operations of civil and municipal government are to be performed by such officers as may accept the supremacy of the United States by taking the oath of allegiance, or by officers chosen as far as may be practicable from the inhabitants of the islands.

While the control of all the public property and the revenues of the State passes with the cession, and while the use and management of all public means of transportation are necessarily reserved to the authority of the United States, private property, whether belonging to individuals or corporations, is to be respected except for cause duly established. The taxes and duties heretofore payable by the inhabitants to the late government become payable to the authorities of the United States, unless it be seen fit to substitute for them other reasonable rates or modes of contribution to the expenses of government, whether general or local. If private property be taken for military use, it shall be paid for when possible in cash at a fair valuation, and when payment in cash is not practicable receipts are to be given.

All ports and places in the Philippine Islands in the actual possession of the land and naval forces of the United States will be opened to the commerce of all friendly nations. All goods and wares, not prohibited for military reasons by due announcement of the military authority, will be admitted upon payment of such duties and other charges as shall be in force at the time of their importation.

Finally, it should be the earnest and paramount aim of the military administration to win the confidence, respect, and affection of the inhabitants of the Philippines by assuring to them in every possible way that full measure of individual rights and liberties which is the heritage of free peoples, and by proving to them that the mission of the United States is one of benevolent assimilation, substituting the mild sway of justice and right for arbitrary rule. In the fulfilment of this high mission, supporting the temperate administration of affairs for the greatest good of the governed, there must be sedulously maintained the strong arm of authority, to repress disturbance and to overcome all obstacles to the bestowal of blessings of good and stable government upon the people of the Philippine Islands under the free flag of the United States.

WILLIAM MCKINLEY.

The proclamation shows the purpose of the Administration with guns behind it. It had grown until then usurpation by Executive was reached, not only in the Philippines, but in this country. Congress did not authorize the war with Spain for conquest or to gain territory. Sovereignty over the Philippines was not claimed by the President nor ceded by Spain as a matter of conquest. The islands were not ceded on any claim of indemnity due to the United States. The treaty expressly waives all such claims on part of both nations. The American people never yet sought to purchase the allegiance of any people, or to maintain government anywhere without the consent of the governed.

This proclamation was issued against the will of the people of the islands, and without the sanction of the Constitution of this country, or expressed will of the American people through Congress or otherwise. By that proclamation was undertaken a

conquest of about eleven millions of people in islands of far-off seas, containing an estimated area of 115,000 square miles, and based upon an actual possession of only the area of Manila City and its environs, and the control in all the Archipelago of only the inhabitants of Manila, about 350,000 people in all.

In one breath the proclamation asserts conquest, in the next claims sovereignty secured by treaty, in conclusion bestows promise of blessings upon the Philippine people "under the free flag of the United States;" and yet there is not therein any hint nor hope that to these people will ever be extended the inalienable right of self-government guaranteed by the Constitution which hitherto has always accompanied the flag. To what purpose is all this—and is there now any doubt whether or not imperialism is an issue in American politics?

An outline of the subsequent course of the Administration in regard to the Philippines can only be gathered from the scant records as yet submitted to Congress in the documents herein considered as far as they go. More is known to the American people from the unnumbered sources of information made public in spite of a vigorous and un-American censorship kept up by the Administration. But the full misery and horrors of this warfare, waged in the name of liberty by the armies of a liberty-loving and mighty nation upon a people helpless in everything but in that unquenchable spirit which seeks development up through night into day, fighting and dying for that which we claim to have achieved for ourselves, will never be revealed. The day has gone by when the Anglo-Saxon, or any people, with safety to themselves, can despise or override the rights of any race, however distant, or however dark their faces may be. It is to ourselves and to our own liberties we have now to attend—and if we fail, then the destruction which will surely come to us will be deserved.

## **What is an Ally—General Aguinaldo and General Merritt. The Siege and Surrender of Manila.**

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The study of language is delightful. It opens up the history of the world. Words grow like trees, they stretch out shoots and branches and wear garments of ever changeful foliage as the seasons go by; but down in the soil sinks deeper and deeper the root, the main idea from which the tree develops.

The course of the Administration from the time that Consul-General Pratt first introduced General Aguinaldo to the Great American Nation, and the Great American Nation to General Aguinaldo, has given to the word "ally" a new and radically different meaning from the one established by the usage of centuries.

The old definition was, in effect (without consulting the pocket dictionary), namely, "ally: an ally is your friend—a friend who will stand by you and fight for you, and one whom you will ever after 'treat on the square' and remember with gratitude."

In the vocabulary of the present Administration an ally is "one who risks his life and sheds his blood for you, and one whom after the victory is gained you can 'throw the hooks into' and give the loud ha! ha!"

The cipher code used in all state cablegrams in the case of Aguinaldo was undoubtedly as follows—"Play Aguinaldo for a sucker! String him along until Manila is captured—and then 'don't do a thing to him,' but get out the Gatling guns." This is inferential from the "mutilated" and asterisk bestrewed cablegrams set forth in the records of Doc. 62 and Mess. and Doc., Vols. 3 and 4.

Furthermore these records show that Aguinaldo and the insurgents up to the time of the capture of Manila were treated as allies "to be made use of" by the representatives of our government with the full sanction of President McKinley, and in view of the facts clearly presented to him that they were fighting for independence and expected recognition of their cause from the United States. The records nowhere

show that any representative of our government ever intimated to them that independence would not be tolerated by the United States. It appears, on the contrary, that from the course pursued by the Administration they had sufficient cause to expect recognition, even if it was not specifically assured them.

It is shown thereby that they received from our commanders arms, provisions and encouragement in that undertaking, and that in pursuance of the same they quickly made prisoners of all the Spanish troops on the islands, except those they held besieged in the city of Manila in co-operation with the United States troops. It appears therein that they fought side by side with the American forces against the Spaniards all through that siege prior to the capture of that city.

With the occupation of Manila by our army came a change in the attitude of the Administration towards the insurgents. They were no longer to be treated as allies, scarcely as friends even. The proclamation of Vassalage speedily followed, and the natural consequence of that policy brought about the warfare and bloodshed that followed.

The facts that hereinafter appear, cited from these Reports, prove that the insurgents were the allies of our forces in everything that makes up the meaning of that term. They have received at the hands of the Administration the recognition that rattles from Gattling guns and is spoken by shot and shell.

As for their leader—Aguinaldo the ally—what his fate is we know not. His little babe “Washington” is dead. The soldiers of the “Great Republic” have scattered through their camps the garments of his wife. The man is nothing, the cause is everything. The struggle for human rights will go on. The dawn of liberty will surely come even upon Asiatic seas, but it will not come through proclamations of “benevolent assimilation.”

Aguinaldo is one of the many great souls who have fought for the rights of their fellows and paid the penalty. Aguinaldo the ally! Brown be his skin, his record proves him a MAN. The name of Aguinaldo will last longer than the fame of the present Administration.

The change in the course of the Administration began to be apparent shortly after the arrival at Manila Bay of General Merritt, just prior to the taking of the city. His report indicates the growth of the purpose of the Administration as affecting the rights and hopes of the Philippine people.

The soldier's first duty is to obey. General Wesley Merritt, soldier in the U. S. regular (standing) army, executes the President's commands whatever they may be. In compliance therewith General Merritt left San Francisco June 29th, 1898, and arrived at Manila on the 25th of July following. He bore with him as Commanding General an order from the President directing the course to be pursued in the Philippines. General Merritt remained in the Philippines in that capacity until the 28th of August (1898) when he was ordered to turn his command over to General Otis and to proceed to Paris to meet the American Peace Commission there.

In his report of August 31st, written on board ship en route for Paris, he states (Mess. and Doc., 1898-9, Vol. 3, pp. 39-40) that his instructions from the President of May 28, 1898, "fully contemplated the occupation of the islands by the American land forces" and that "the powers of the military occupation are absolute and supreme and immediately operate on the political conditions of the inhabitants."

These instructions are significant of the purpose of the President as early as May 28, 1898, to get possession of the Philippine Islands by conquest. As a war measure at that time the purpose of conquest, as a means of weakening the enemy, was justifiable and proper. But long before General Merritt left San Francisco, on June 29, the Administration was apprised by constant cablegrams from Admiral Dewey and by communications both from Consuls Pratt and Williams of the active and efficient aid rendered by the forces of Aguinaldo to the American army, as appears in the record set forth in Mess. and Doc., Vols. 3 and 4, and in Doc. 62 hereinafter cited.

In view of these facts it appears that over two months before the signing of the protocol of August 12, 1898, suspending hostilities with Spain it was in the mind of the President not only to gain possession by conquest of the Philippines but also to assert the sovereignty of the United States over the entire Archipelago. He undoubtedly intended also to reduce the Filipinos, who since the arrival of Aguinaldo at Manila on May 19th, 1898, had been fighting and co-operating with the United States forces, to the condition of vassalage as soon as a sufficient foothold had been gained on the islands to effect the same. It also appears from the records that nearly two months before the signing of Protocol of August 12, 1898, the Administration had been informed of the taking of province after province throughout the Archipelago by the

insurgents, of the establishment throughout the same of a Philippine revolutionary government, and had also received from Admiral Dewey his message stating that the Filipinos were far more capable of self-government than the Cubans. This message a few days later on was followed by another one from the Admiral stating that the Filipinos "expected independence."

This purpose of the Administration was not hinted at in the Protocol submitted to Spain and entered into by the same on August 12, 1898, but seems to have been ever constant as reflected in the orders of the Administration to commanders of the Army and Navy of the United States in the Philippines, and by them has been carried on into effect whenever possible.

Concerning these orders General Merritt says (Mess. and Doc. Vol. 3, p. 39): "I did not consider it wise to hold any direct communication with the insurgent leader until I should be in possession of the city of Manila, especially as I would not until then be in a position to issue a proclamation and enforce my authority, in the event that his pretensions should clash with my design." Craft was to supplant force until Manila was gained and then Mars would don the helmet, lay waste the islands, and tread upon the mangled forms of the allies. Accordingly General Green was ordered to coax the Filipinos out of their trenches in front of our lines wherein the insurgents had surrounded and were besieging the city. Yielding to his bland persuasions the forces of Aguinaldo retired from the particular position coveted by General Merritt.

The latter narrates in his report (Mess. and Doc., Vol. 3, pp. 40-1) that "the wisdom of this course was subsequently established by the fact that when the troops of my command carried the Spanish intrenchments extended from the sea to the Pasay road on the extreme Spanish right we were under no obligation, by pre-arranged plans of mutual attack to turn to the right and clear the front still held against the insurgents, but were able to move forward at once and occupy these cities and suburbs." In other words the insurgents who were fighting against the common foe side by side with the troops of General Merritt were left to be mowed down by Spanish bullets whilst General Merritt's soldiers rushed on to take the city.

The fable of *Æsop* of the viper warmed to life by the peasant and the subsequent stinging of the hand of his benefactor by that ungrateful reptile, is more than rivalled by this incident. It is as if some storm-beaten and perishing



wanderer who is fed and given the only bed beneath the sheltering roof should arise in his regained strength in the morning, kick his host out of the house and assert title to the same.

But in spite of all this haste to secure possession of Manila the records show (Mess. and Doc., Vol. 3, p. 70, and pp. 101, 102, and 121), cited hereinafter, that the insurgents had actually entered the city in several places and were about to take down the Spanish flag therein "when they were brushed aside" by order of the American Commander "and benevolently assimilated" out of all chance there to run up the flag of the Philippine Republic.

This eager haste to gain the city and to exclude the insurgents from entering the same has been justified by the Administration upon the plea that anarchy and pillage would run riot in that city if the insurgents were allowed to assume any control over it. In point of fact, the entire conduct of Aguinaldo and his forces throughout the events then taking place discredit any such pretense. The reports of the commanders of the American forces invariably set forth in words of praise the good conduct, and kindness, and consideration that the Filipinos exercised in the care of the Spanish prisoners held by them. This is asserted again and again throughout the records. The fears of the Administration in that respect seem to have been entirely groundless, but it is absolutely necessary to assert them in order to attempt to justify the policy there pursued. These fears were not entertained by General Merritt, as shown by his statement regarding the same hereinafter following.

Neither has anything been set forth in all the records yet submitted by the President to Congress which proves that the Filipinos were not anxious to preserve amicable relations with the forces of this country during all the struggle up to the taking of Manila. And even after the taking of that city the insurgents complied with the military authorities set up by General Merritt over Manila and its environments; they retired from their own lines near the city under the belief, at least, that subsequently they would be permitted to return to the same; and the records and communications set forth in Doc. 62 prove the entire willingness and ability of Aguinaldo to continue this amicable possession of the island until peace should be proclaimed and a government established suitable to the aspirations and needs of the Philippine people.

Just treatment of these "little brown men" who under the baptism of shot and shell time and time again proved their

friendship for this country, would have rendered unnecessary all the warfare, and slaughtering, and desolation of homes and families that have for so long been carried on in that land.

Scattered through the reports thus far submitted by the President to Congress are allusions to unfriendly and hostile acts towards our forces on the part of the insurgents prior to the final breaking out of open warfare, but in all these records there is not found one well-established fact of the same.

The same records show the fact that in the siege of Manila the insurgents and the American troops fought side by side in intrenchments and elsewhere, not only on the day of the capture of the city, but prior thereto, and that the telegraph wires belonging to and used by Aguinaldo's forces throughout that campaign were, at the great inconvenience of the latter, turned over to the engineer corps of the United States Army.

The statements of Generals Green and Whittier before the Paris Commission, and their reports cited in Doc. 62 and Mess. and Doc., Vols. III and IV, show a willingness on the part of those commanders to give due credit for the aid rendered by the insurgents in the capture of Manila and in all the fighting there carried on prior thereto.

General Whittier's statement shows, moreover, that he looked upon the Philippine people with the kindly eye of a humanitarian, and considered their capacities as well as their weakness—evidently believing them to be entitled to that measure of equality and justice that recognizes not complexions nor conditions. General Whittier labors under the disadvantage of being a volunteer instead of a regular soldier; he "carries a conscience as well as a gun" (an expression that was coined by Gov. John Lind, of Minnesota, on a recent historic occasion). Possibly if he were under the discipline of our "standing army" he might look upon the Filipinos simply as rebels, to be shot into subjection to the dictates of the policy of the present Administration.

No account of the warfare begun between the insurgents and the United States troops on February 4, 1899, is contained in Doc. 62, or Mess. and Doc. for years 1898-99, and the details as to how the firing of the first shot came about is not therefore herein considered. It came as a consummation to the then defiant purpose of the Administration to establish an alien sovereignty over a people who were seeking self-government.

What matters it whether the Red Coats or the Rebels on Boston Common fired the first shot?—the struggle was the inevitable result of the policy of George III.

Statements from the reports of Generals Merritt, Greene, and other officers of our army concerning the events of the campaign roundabout Manila during the siege and capture of the same, can not fail to be of interest; as being the surface indications of the drift of the policy which had been ordered by the Administration there to be carried out.

REPORT OF GEN. WESLEY MERRITT. (Mess. and Doc., Vol. III, p. 39.)

Steamship China, at sea, Aug. 31, 1898.

To the Adjutant-General, United States Army, Washington, D. C.:

(The report states that General Merritt left San Francisco "June 29, 1898, 'in obedience to the order assigning me to the command of the Department of the Pacific, and the special instructions from the President furnished me by the Honorable Secretary of War' under date of May 28, 1898," and arrived at Cavite (Manila Bay) July 25, 1898, and that the American forces in the Philippines were under the command of General Anderson.)

The report, among other things, states as follows (Mess. and Doc., Vol. III, p. 40):

As General Aguinaldo did not visit me on my arrival, nor offer his services as a subordinate military leader, and as my instructions from the President fully contemplated the occupation of the islands by the American land forces, and stated that "the powers of the military occupation are absolute and supreme and immediately operate on the political conditions of the inhabitants, I did not consider it wise to hold any direct communication with the insurgent leader until I should be in possession of the city of Manila, especially as I would not until then be in a position to issue a proclamation and enforce my authority, in the event that his pretensions should clash with my designs.

For these reasons, the preparations for an attack on the city were formed and military operations conducted without reference to the situation of the insurgent forces. The wisdom of this course was subsequently fully established by the fact that when the troops of my command carried the Spanish intrenchments extending from the sea to the Pasay road, on the extreme Spanish right, we were under no obligations, by prearranged plans of mutual attack, to turn the right and clear the front still held against the insurgents, but were able to move forward at once and occupy these cities and suburbs.

(Mess. and Doc., Vol. III, p. 41.) To return to the situation of General Greene's brigade as I found it on my arrival, it will be seen that the difficulty in gaining an avenue of approach to the Spanish line lay in the fact of my disinclination to ask General Aguinaldo to withdraw from the beach and the "Calle Real," so that General Greene could move forward. This was overcome by instructions to General Greene to arrange, if possible, with the insurgent brigade commander in his

immediate vicinity to move to the right and allow the American forces unobstructed control of the roads in their immediate front. No objection was made, and accordingly, General Greene's brigade threw forward a heavy outpost on the line on the "Calle Real," and the beach and constructed a trench in which the Utah batteries were placed.

(Mess. and Doc., Vol. III, p. 44.) After the issue of my proclamation and establishment of military government, I had direct written communication with General Aguinaldo on several occasions. He recognized my authority as Military Governor of the town of Manila and suburbs and made profession of his willingness to withdraw his troops to a line which I might indicate, but at the same time asking certain favors for himself. The matters in this connection had not been settled at the date of my departure. Doubtless much dissatisfaction is felt by the rank and file of the insurgents that they have not been permitted to enjoy the occupancy of Manila, and there is some ground for trouble with them, owing to that fact, but, notwithstanding rumors to the contrary, I am of the opinion that the leaders will be able to prevent serious disturbances, as they are sufficiently intelligent and educated to know that to antagonize the United States would be to destroy their only chance for political improvement.

On the 28th inst., I received orders directing me to transfer my command to Major-General Otis, U. S. V., and to proceed to Paris, for conference with the Peace Commission. I embarked on the steamer China on the 30th, in obedience to these instructions.

Manila was taken August 13, 1898. The proclamation of General Merritt of August 14, 1898, set up a military government over the city of Manila and outlying districts. Article V (Mess. and Doc., Vol. III, p. 49) "declares the court of Manila and all other courts and places in the Philippines which may be in actual possession of our land and naval forces, will be open while our military occupation may continue," etc.

General Order No. 8, of August 22, 1898, issued by General Babcock (Mess. and Doc., Vol. III, p. 52) provides "for the maintenance of law and order in those portions of the Philippines occupied and controlled by the Army of the United States, and to provide means to properly punish infractions of the same, military and provost courts will be appointed."

In the correspondence between General Merritt and Aguinaldo the statements of General Merritt's report are corroborated. In a letter of General Merritt to Aguinaldo of August 24, 1898, insisting that the forces of Aguinaldo retire beyond certain lines, he says (Doc. 62, p. 402):

I am more insistent in this particular because recent instructions from my home Government contemplate this course. So far as any promises as to what shall be done in the event of a conclusion of a treaty between the United States and Spain is concerned, it is utterly impossible for me, as the military representative only of the United States, to make any promise such as you request.

In the reply of Aguinaldo of August 27, 1898, to the above (Doc. 62, pp. 403-4), he states:

Now, do not make light of the aid formerly given by us to secure the capitulation mentioned. Greatly though justice may suffer, and risking well-founded fears in regard to my city, I do not insist upon the retention of all the position conquered by my forces within the environs at the cost of much bloodshed, unspeakable fatigue, and much misery, I promise to withdraw to the following line, etc., etc.

In an order issued by General Merritt at Camp Dewey August 10, 1898, before the capture of Manila, the following occurs (Mess. and Doc., Vol. III, p. 73):

1. No rupture with insurgents; this is imperative; can ask insurgent generals or Aguinaldo for permission to occupy their trenches, but if refused, not to use force.

In this connection the statements of General Greene before the Peace Commission in Paris are of interest. Speaking of the relation between General Merritt and Aguinaldo, the report of General Greene states (Doc. 62, p. 423):

Aguinaldo did not call upon General Merritt on his arrival, and this enabled the latter to avoid any communication with him, either direct or indirect, until Manila had been taken. General Merritt then received one of Aguinaldo's staff officers in his office as military governor. The interview lasted more than an hour. General Merritt referred to his proclamation as showing the conditions under which the American troops had come to Manila and the nature of the military government which would be maintained until further orders from Washington. He agreed upon the lines outside of the city of Manila, up to which the insurgent troops could come, but no farther, with arms in their hands; he asked for possession of the water-works, which was given, and while expressing our friendship and sympathy for the Philippine people, he stated very positively that the United States Government had placed at his disposal an ample force for carrying out his instructions, and even if the services of Aguinaldo's forces had been needed as allies, he should not have felt at liberty to accept them.

In speaking of the situation at Manila at the time of its capture, General Greene said (Doc. 62, p. 419):

The situation thus created is without precedent in American history. When Scott captured the city of Mexico, it was acknowledged on both sides that his occupation was only to be temporary, and there were no insurgents to deal with. When the Americans entered California they found only a scanty population, who were soon outnumbered by the American immigrants. But in the Philippine Islands there is a population of more than 7,000,000, governed by an alien race, whose representatives present in the islands, including military and naval forces, clergy, and civil employees, do not exceed 30,000 in number. Against this government an insurrection was in progress, which claims to have been successful in provinces containing a population of about 2,000,000. The city and province of Manila, with a population

of 400,000 more, have been captured and occupied by a foreign army, but whether its occupation is to be temporary or permanent has not yet been decided.

Gen. Charles A. Whittier, U. S. V., before the United States Commission at Paris, stated that he left San Francisco June 8, 1898, and arrived at Manila Bay July 25th ensuing. Among other testimony he gave the following:

In connection with the taking of Manila, General Whittier stated, in part, as follows (Doc. 62, p. 491):

After communications addressed by Admiral Dewey and General Merritt to the acting Captain-General, asking him to remove his non-combatants, and next demanding the surrender of the city, which requests were both denied, the Belgian consul, as a semi-intermediary, came repeatedly to Dewey and proposed different methods of giving up the city after we had made an attack, which he said was necessary to satisfy the Spanish honor. So the guns opened on August 13th, and after the white flag was shown, I was sent in company with Lieutenant Brumby on the launch of the Belgian consul to receive the surrender.

(Doc. 62, p. 492.) Mr. GREY: What sort of looking people are the insurgents? A. They are somewhat undersized; are fairly good in appearance, and are brave, will stand any amount of hunger and hardship, and, well led, would be good soldiers.

General Whittier further testified (Doc. 62, pp. 499-501) as follows:

Aguinaldo went to Cavite, under the commission of Admiral Dewey, in reply to a telegram sent by Spencer Pratt, Esq., our consul-general at Singapore, who offered that chief money for his expenses. The offer was declined. After arrival (on one of our ships) he went ashore accompanied by thirteen staff officers, to organize his army, but no adherents appeared the first day, and Aguinaldo, rather discouraged, meditated returning to Hongkong. I think Dewey advised him to make another effort, at the same time saying that he must leave the public buildings at Cavite, where he had made his headquarters. Soon, from across the bay and from all sides, men gathered. The fact that Dewey permitted the armed men to move from surrounding districts and for the rebels to take arms (not many, says the Admiral) from the arsenal, was the only help we gave him, excepting, of course, the most important destruction of the Spanish navy. From that time, the military operations and conduct of the insurgents have been most creditable. Positions taken and movements of troops show great ability on the part of some leader—I do not say it was necessarily Aguinaldo, but he gave the directions.

Q. How many men did he get together?

A. His forces went around the city, taking the water-works and the north part of the city, and running up the railroad. I asked the question of several, and the opinions differed widely, all the way from 8,000 to 30,000 or 40,000 men.

Q. Do you think he had as many as 8,000 men before the surrender?

A. Yes, sir; the environment of the city took a great many men.

There is a vast extent of country there, including the water-works and running around the city, and they certainly had to have more than that to do so.

Q. How many arms did Dewey turn over to them?

A. I never knew exactly. I asked him that question, and he said a very few.

Q. Where did they get the rest of their arms?

A. Some captured from the Spanish, some brought to them by deserters, and there were some shipments of arms from Hongkong. I believe Americans brought them in, and they have lately taken some to Batanzas, in the southern part, and have taken some new Maxim guns there, too.

Q. To the insurgents?

A. Yes.

Q. Since the capitulation?

A. Yes; they changed the name of a vessel and used it. She had a Luzon name—the Pasig—and they changed it to the Abby. Dewey sent down and seized the boat, and the insurgents followed to Manila Bay, hoping to reclaim it. In other respects their demands, from their point of view, have not been unreasonable, and show a proper appreciation of the status. The day after the surrender (August 13th), four representatives of Aguinaldo called on General Merritt, who assured them in general terms that we are friends of the Filipinos. At that time they occupied a portion of Manila. We soon demanded that they should give that up, to which Aguinaldo's representative agreed, but in seeking confirmation from him, the condition was made that in case we gave up the country they should be restored to the positions then occupied and which they had taken greatly by their own merits. However, matters have been amicably settled. Aguinaldo's headquarters are at Malolos, twenty-three miles up the railroad. His troops control all the settled part of the island (except Manila), as well as much of the southern country.

THE CHAIRMAN: What do you mean by the "southern country"—those islands below?

A. Yes. Their conduct to their Spanish prisoners has been deserving of the praise of all the world, with hatred of priests and Spaniards, fairly held on account of the conditions before narrated, and with every justification to a savage mind for the most brutal revenge, I have heard no instance of torture, murder or brutality since we have been in the country.

Mr. FRYE: Were they of material assistance to us?

A. Very great. If the protocol had not been signed, I think the Spanish at home would have insisted upon their army doing something. They dismissed Augustin because he was not disposed to fight, and I think if they had not had experience of having been driven back into the city, and the water cut off, so even Jauredenes said he could not remove his non-combatants, the government would have insisted on his making a fight, and he could have made a very good one, for his position was strong, if they had any fight in them at all. But every place had been taken from them by the Filipinos, who managed their advances and occupation of the country in an able manner. I talked with Spanish prisoners at Tarlac, an important military station on the line of railroad, and they said that they had had good treatment only. The wives of two officers had lately visited their husbands in jail (one at Dagupan, 123 miles north), and gave the same testimony.

## GENERAL GREENE'S REPORT.

Gen. F. G. Greene in his report to the Assistant Adjutant-General regarding the occurrences at or near Manila, on August 12, 1898, at the time of the negotiations for surrender of Manila, reports (Mess. and Doc., Vol. III, p. 70):

The Spaniards have drawn up terms of surrender, which Colonel Whittier informed me would probably be accepted by General Merritt, who was now on his way from the Newport. I then returned to the troops outside the walls and sent Captain Birkhimer's battalion of the Third Artillery down the Paco Road to prevent any insurgents from entering. Feeling satisfied that there would be no attack from the Spanish troops lining the wall, I put the regiments in motion towards the bridges, brushing aside a considerable force of insurgents who had penetrated the city from the direction of Paco, and were in the main street with their flag, expecting to march into the walled city and plant it on the walls. The report further gives the details of the hauling down of the Spanish flag and raising the American flag in its place by General Greene's forces, having driven the insurgents with their flag about to be raised over the city inside the city limits from the scene of battle.

In commenting on the manner in which the capture of Manila was effected, the report states:

Of the assistance contributed to bring about this result by the United States Navy on the one hand and the Philippine insurgents on the other, it is not my province to speak.

## CAPT. E. B. PRATT'S REPORT.

In the report of Capt. E. B. Pratt, captain of the Twenty-third Infantry, made to the adjutant of the same, at Manila, August 23, 1898, in speaking of an engagement of several companies of his battalion on August 5th, the following appears (Mess. and Doc., Vol. III, pp. 78-9):

About 5 P. M., I received instructions to send a squad to the insurgents' advanced posts, in front of Companies E and D. The insurgents informed me that the Spaniards occupied some intrenchments a short distance in their front. At night, about 7.30 or 8 P. M., heavy firing was heard in the direction of the insurgent posts, which was soon taken up by the command from the center echelons of Company E to the left of Company K, the echelon of Company E and the right of Company D, firing to their left front at the flash of the guns of the enemy, which appeared to be a short distance away. The enemy also opened on us with shells. The firing appeared to be directed to that part of the line occupied by Company F, though they fired at other parts, but their shots were mostly high. I could hear volleys being fired by the enemy, and apparently in Captain Claggett's front.



The firing of the enemy continued for about an hour, gradually becoming less until it finally ceased, except for the intermittent shots of the Spanish sharpshooters and the insurgents, which continued till morning. The enemy always fired some shells at us about 7 the next morning. The outpost of Company D retired from its advanced position and rejoined its company, reporting that the Spaniards had passed to its left. The outpost of Company E remained with the insurgents and took part in firing on the army a short distance to its front and left, and was fired on by them (Spaniards).

CAPT. WILLIAM E. BIRKHIMER'S REPORT.

The report of Capt. Wm. E. Birkhimer, of the Third Artillery, commanding battalion, to the Assistant Adjutant-General, made at Manila August 17, 1898, concerning the events of the 13th instant, has, among other items, the following (Mess. and Doc., Vol. III, p. 101):

Firing in the direction of the enemy was here being indulged in by some United States troops, who now appeared from the direction of our left, and also by some insurgents who, owing to their better knowledge of the streets in the vicinity, reached the outskirts of Malate at the same time with our troops. Who or what this firing was at I could not make out; no enemy was seen in our front or on our flanks. Occasionally a shot was heard as though fired by the enemy, but as this was not certain, and as the bullets did not strike around my command, I still forbade any firing on the part of the battalion.

(Mess. and Doc., Vol. III, p. 102):

A most remarkable contest took place just as the battalion arrived at the Calle de Nozaleda. At this place and instant a large body of Spanish troops were passing in the walled town, with a view to surrendering it. While so doing, they were furiously attacked by the insurgents coming down the Calle de Nozaleda. The Spanish troops returned this fire, as did also the national troops (believed to have been the 1st California), and this returned fire was joined in by the Spanish troops from the walls of the fortress. For the instant the situation was incomprehensible, and thought of treachery on the part of the enemy was the first to occupy the mind. Still no bullets came along our ranks, and, consequently, the battalion did not join in the firing. The preliminary steps for a position of defense were taken, however, when, coming into the Calle de Nozaleda, the cause of all the trouble was seen in the attacking insurgents, who now ceased firing and marched away. I trust it will not be considered presumptuous to call attention to the situation here presented. The insurgents, owing to their superior knowledge of Malate, and aid of their friends there, sought to enter the walled city of Manila, the citadel of Spanish power, after the enemy vacated their lines and before the United States troops could arrive at the Puente to prevent it. In this they nearly succeeded. As the scene presented itself, upon the arrival of my battalion at Calle de Nozaleda, the retreating Spanish troops were incapable of making any strenuous defense, and, consequently, the only real opposition to the insurgent advance, and the real and only cause of their plans being defeated at this juncture, lay in the

presence at the Puente of the national troops (believed to belong to the 1st California) formed on the east, and my battalion formed on the west of the entrance, thus barring passage to hostile forces. How much importance, if any, should be attached to this defeating the insurgent hopes is not known. It is simply intended here to call attention to the fact and how it was done.

The report of John W. French, lieutenant-colonel Twenty-third Infantry, made August 15, 1898, at Manila to the adjutant of Twenty-third Infantry concerning the events of August 12, 1898 (Mess. and Doc., p. 117), contains, among others, this item:

Shortly after daylight on the 13th, the enemy opened a heavy fire on our and the insurgents' lines, attended with no casualties in my battalion.

#### LIEUT. W. C. TREUMANN'S REPORT

The report of W. C. Treumann, lieutenant-colonel commanding First Dakota Infantry, U. S. V., made at Manila August 16, 1898, to Gen. Arthur MacArthur, commanding first brigade, second division, regarding the occurrences of August 13, 1898, at Manila, giving the movements of the first battalion, says (Mess. and Doc., Vol. III, p. 121):

Their orders were to allow no armed insurgents to pass into the city and to guard all public and private property in the vicinity. These orders were executed without any serious trouble. Company A being ordered to clear the street running east and along the south side of the hospital, met quite a body of armed insurgents, who had taken possession of some vacant buildings, established quarters, and resisted being moved back, and were determined to go into the city with their arms. The situation at this place became quite serious, and one platoon of Company D was sent to reinforce Company A. By exercising a good deal of patience and firmness, the natives were made to understand that our orders must be obeyed, and by 12 o'clock they had nearly all left the street. Later their quarters were vacated and were at once taken possession of by our men. \* \* \* When moving into Manila, Captain Bolton, of the 23d U. S. Infantry, informed Major Fraile, commanding the two companies, that the insurgents had barricaded one of the streets and were so troublesome that he needed assistance, and requested him to furnish it, which was done, and these companies remained in that position until 10 o'clock P. M., when they were relieved by Captain Pratt, of the 23d U. S. Infantry, and the men spent the night in the streets.

## REPORT OF LIEUT. CHAS. E. KILBOURNE.

Concerning the situation between the United States forces and the insurgent forces in May, 1898, at or near Manila, an interesting account is given in the report of First Lieut. Charles E. Kilbourne, of the Volunteer Signal Corps. Among other things it contains the following items (Mess. and Doc., Vol. III, p. 132):

On August 3, 1898, I was given a squad of eight men, with orders to run a wire in the direction of Cavite, using insurgents' poles, and making as rapid progress as possible. The insurgents had two wires strung on the poles, and we cut in on the lower one, appropriating about three and one-half miles of it. Here our line branched off and we had to string our own wires again. After proceeding about a mile further, I decided not to return to Paranaque for food and blankets, as it would require about two hours, but to live on the country and use every hour of daylight for work. Leaving the men under the command of Sergeant Sloan, I went ahead to the town of Bacoor, found the insurgent headquarters, and asked for General Aguinaldo. He was not in town, but I obtained from his adjutant, Lieut.-Col. Lazaro Makapag, a room for my men and supper for the whole detachment, and from the local president permission to set up our instruments in their local telegraph office, and to use their wires to communicate with Cavite, where an office of the signal corps had already been established. \* \* \*

The local authorities were angry at the cutting of their wire, but I refused to discuss the matter with anyone but General Aguinaldo, whom I had decided to visit on the following morning, hoping to obtain permission to use his whole line until our own had been run. This I had been instructed to do by Major Thompson.

(Mess. and Doc., Vol. III, p. 133.) August 4th, aroused the men at daybreak, and after a breakfast of biscuits and coffee furnished by the insurgents, we started work again, using insulated wire where houses or trees would cause heavy grounds. This I did to save the time necessary for trimming trees. Leaving the men with Sergeant Sloan, with instructions to push ahead as rapidly as possible, I drove to Balete, four miles away, where General Aguinaldo had established his headquarters. He was sick in bed and refused to see anyone, but from his second in command I obtained a general permit to use any office in the country, setting up our own instruments and using their wires to send our messages, provided that we would reattach them to their own instruments when through. This, he said, was the limit of his authority. He protested at the cutting of their wire and asked that it be not done again. I told him it should not be until necessity compelled it.

Later on it appears from the report (Mess. and Doc., Vol. III, p. 133) that the insurgents' line was again cut into by our forces. The report continues as follows:

I directed my men to cut in on the insurgent line, and then dismissed them for the night, except Corporal Kelly, who accompanied Lieutenant Rudd and myself to Balete to cut out that office if we ob-

tained permission. General Aguinaldo was still in bed, but we insisted so strongly that he finally consented to see us. We explained our errand and the necessity for it, and pressed our point for an hour, but without success. He would grant anything else; but having a large army in the field, he said it was necessary for him to have his line in order to supply them with food and ammunition.

(Mess. and Doc., Vol. III, p. 134.) August 7th, was ordered about 11 A. M. to abandon office at Bacoor and establish station at Paranaque. By reason of permit obtained by insurgent authorities, we were enabled, by using the local telegraph office, to establish communication after reaching Paranaque. I then secured a permanent office, appropriated table and chairs to fit it up, and removed the instrument to that room. The report proceeds that on returning to Bacoor about 7.30 P. M. the lieutenant found that the local president had reestablished himself in the room and that his council was holding session. We informed them that we must have the office again, and they agreed to vacate, leaving their furniture there until the following day. By 8 P. M. the office was cut in again and all working well.

Lieutenant Rudd, a member of Lieutenant Kilbourne's attachment engaged in this telegraphic work, also reports (Mess. and Doc., Vol. III, p. 136) that General Aguinaldo claimed that he needed his own wire constantly for use in communicating with his army at the front—which seemed to be the only difficulty in granting the request asked by Lieutenant Kilbourne.



**The Constitution of the Philippine Republic  
Adopted January 20th, 1899—Comments of the  
Philippine Commission Thereon.**

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It is a fact that in seeking to establish what has been by General Aguinaldo termed the "first Republic of Asia," the Philippine people have followed closely the pathway to liberty that the "men of '76" trod here in our own land. Like them, they revolted against alien tyranny and sought liberty of self-government. Like them, they organized a congress and established a temporary representative government. Like them, they declared their independence and raised a banner; a banner that had thereon a star—there the "Golden Star" of the Philippine Republic. Like them, they sacrificed life and bravely fought to establish the Republic.

In this struggle so well had they succeeded at the beginning of the year 1899, that they then held under that republican form of government practically all of the Archipelago, except Manila and its environs occupied by the forces of the United States. Having achieved so much of success, they then formally adopted a permanent Constitution for the Republic, copies of which were transmitted to our own Government and to the foreign powers throughout the world.

An abstract of this Constitution herein follows—it being impossible within limits here available to present it in full. This Constitution was modeled after our own, which it closely follows, except in some minor details. This Constitution is made a part of the Report of the Philippine Commission, and by them styled "The Constitution of the so-called Philippine Republic." An account of the organization and work of this Commission itself in the Philippines will follow in succeeding chapters.

Discussing this Constitution and setting forth some of its principles and regulations in their report, the Commissioners make, among others, the following general comments (Report of the Philippine Commission, Vol. I, p. 91):

A mere reading of these principles for the regulation of provincial and municipal administration in the Philippines disclosed the fact, so

often observed by the Commission in other connections, that the political ideal of the Filipinos coincides with the political practice and traditions of the Americans. Barring the paragraph "on intervention" (of which more below) are not the principles which Aguinaldo's Constitution lays down for the regulation of the administration of local affairs the principles actually in operation in the town and county councils of our own States and Territories? These are precisely the principles which American administrators would seek to realize in the Philippines, and as in their bill of rights, so again in their demands for provincial and municipal autonomy, there is a complete harmony between the aspirations and the needs of the Filipinos and the desire and capacity of the Americans to satisfy them.

Regarding home rule the Commissioners say (Report Phil. Com., Vol. I, p. 90):

The member of the Commission who visited the Southern islands reports that in Negros and other Visayan islands this desire for local home rule is an ardent passion. It can never be satisfied as long as the military power is in supreme control, for it is an axiom with all Filipinos—an axiom learned of bitter experience and not merely derived from the political wisdom of mankind—that there is no genuine freedom where the military power is not subordinated to the civil."

And yet, in spite of the marked similarity of the political ideas of the Filipinos and the political practices and traditions of the American people, and indifferent to the aspirations of the Philippine people regarding home rule and self-government, and those of our own people, the Commission, by a rare exhibit of individual and collective hardihood, proceed (Report Phil. Com., Vol. I, p. 119) as follows:

The Commission assumes that this gradual organization of a territorial government it recommends for the Philippine Islands might rest either on Congressional legislation or on the powers of the President, as Commander in Chief of the forces of the United States, who as such is free to use as his chief administrative or agent either a military officer or a civil official, and direct him to set up this form of government.

"The President, as Commander-in-Chief of the forces of the United States," is to "direct" a military officer, or possibly a civil officer, with the armies and navies behind him, to "set up" the form of government proposed by the Commission for all the millions of people of the Archipelago. The Constitution adopted by the Philippine people is to be reduced to ashes and scattered to the winds of heaven, and the people themselves are to be ruled by foreign satraps upheld by military power. And yet, this is the year A. D. 1900—and these are the words of an American Commission!

The Commission, however, is hopeful, for they say:

The Commission, while not underrating the difficulty of governing the Philippines, is disposed to believe the task easier than is generally supposed. For this confidence it has the following among other grounds: First. The study by educated Filipinos of the various examples of constitutional government has resulted in their selection, as best adapted to the conditions and character of the various peoples inhabiting the Archipelago, of almost precisely the political institutions and arrangements which have been worked out in practice by the American people; and these are also, though less definitely apprehended, the political ideas of the masses of the Filipino people themselves. This point has been frequently illustrated in the course of the preceding exposition, and it must here suffice to say that the Commission was constantly surprised by the harmony subsisting between the rights, privileges and institutions enjoyed by Americans and the reforms desired by the best Filipinos. Secondly. In addition to the adaption of the American form of government to the Filipinos. The Filipinos themselves are of unusually promising material. They possess admirable domestic and personal virtues; and though they are uncontrollable when such elemental passions as jealousy, revenge or resentment are once aroused, most of them—practically all of the civilized inhabitants of Luzon and the Visayas—are naturally and nominally peaceful, docile and deferential to constitutional authority. On the suppression of the insurrection the great majority of them will be found to be good law-abiding citizens. (Report Phil. Com., Vol 1, pp. 119-120.)

According to this showing of the Commission the Philippine people have as good capacity for self-government (and probably better) as our neighbors, the people of the Mexican Republic. And yet the attempt under Maximilian a few years ago to impose "benevolent assimilation" upon the Mexican people brought from an American President the reiteration of the Monroe doctrine—a doctrine that means self-government not only in this hemisphere, but around the world as well, in the ultimate, by force of silent example; a "world power" indeed. This reaffirmation of the right of self-government brought death to Maximilian, and maintained in future will bring destruction to all imperial governments in due time.

Likewise, the capacity of the Filipinos for self-government is, all things considered, as great as that of any of the people of the South American Republics. It would not be claimed, not at the present time at least, by the Administration, that because of frequent revolutions there taking place, it is the duty of the United States to impose foreign rule upon them. They are working their way up through the only method that nature tolerates—the evolution of contests and strugglings and strivings—to the ultimate liberty of self-control.

This law of national progress has been well recognized by Lord Macaulay in the following words concerning "Freedom":

There is only one cure for the evils which newly-acquired freedom produces—and that cure is freedom! When a prisoner leaves his cell he can not bear the light of day; he is unable to discriminate colors or recognize faces; but the remedy is not to remand him into his dungeon, but to accustom him to the rays of the sun. The blaze of truth and liberty may at first dazzle and bewilder nations which have become half blind in the house of bondage; but let them gaze on, and they will soon be able to bear it.

In a few years men learn to reason; the extreme violence of opinion subsides; hostile theories correct each other; the scattered elements of truth cease to conflict, and begin to coalesce; and, at length, a system of justice and order is educed out of chaos.

Many politicians of our time are in the habit of laying it down as a self-evident proposition, that no people ought to be free till they are fit to use their freedom. The maxim is worthy of the fool in the old story, who resolved not to go into the water until he had learned to swim. If men are to wait for liberty till they become wise and good in slavery, they may, indeed, wait forever.

The power of the Philippine people to maintain a government suited to their own capacities and tending to the peace of the world is certainly as great as that of their kindred and neighboring race—the Japanese. It is as good as that of several European nations, indeed. And yet, the Commission smooth the pathway for the permanent rule of the Philippines by the United States in the following fashion (Report Phil. Com., Vol. I, p. 103):

It is, of course, a quite different proposal to relinquish sovereignty over the Philippine Islands as soon as the Filipinos are capable of governing themselves. So far as such a policy rests upon conceptions of American duty, convenience, or expediency, it does not fall to this Commission to consider it. But, from the point of view of the Philippines, it is proper and indeed, imperative, to observe that, in the opinion of the Commission, the consideration of that proposal must be qualified by two conditions: First, it is impossible, even approximately, to fix a time for the withdrawal of American sovereignty over the Archipelago, as no one can foresee when the diverse peoples of the Philippine Islands may be molded together into a nationality capable of exercising all the functions of independent self-government. They are certainly incapable of such a work to-day; whether in one or more generations they can be trained to it only the future can disclose.

“Only the future can disclose,” say the Commission. Their trust is evidently in Divine Providence—and also in “keeping the powder dry” and proceeding with the slaughter meanwhile. (Report of the Philippine Commission, Vol. I, pp. 189-201.)



# EXHIBIT IV.—THE CONSTITUTION OF THE SO-CALLED PHILIPPINE REPUBLIC.

## POLITICAL CONSTITUTION.

Presidency of the Revolutionary Government of the Philippines.

Don Emilio Aguinaldo y Famy, president of the revolutionary government of the Philippines and captain general and commander in chief of the army.

To all Philippine Citizens: That the Assembly of the representatives of the nations, using its sovereignty, has decreed and I have sanctioned the political constitution of the state.

Therefore I command all the military and civil authorities of any class or rank to keep it and cause it to be kept, complied with, and executed in all its parts, because it is the sovereign will of all the Philippine people.

Done at Mololos at 21st day of January, in the year eighteen hundred and ninety-nine.

EMILIO AGUINALDO.

The President of the Council, Apolinario Mabini.

We, the representatives of the Philippine people, lawfully invoked, in order to establish justice, provide for common defense, promote general welfare, and insure the benefits of freedom, employing the aid of the Sovereign Legislator of the Universe, in order to attain these purposes, have voted, decreed, and sanctioned the following:

## POLITICAL CONSTITUTION.—THE REPUBLIC.

Article 1. The political association of all the Filipinos constitutes a nation, the estate of which is denominated Philippine Republic.

Article 2. The Philippine Republic is free and independent.

Article 3. Sovereignty resides exclusively in the people.

## SECOND TITLE.—THE GOVERNMENT.

Article 4. The government of the Republic is popular, representative, alternative and responsible, and is exercised by three distinct powers, which are denominated Legislative, Executive and Judicial. Two or more of these powers shall never be vested in one person or corporation; neither shall the legislature be vested in one individual alone.

## THIRD TITLE.—RELIGION.

Article V. The state recognizes the quality of all religious worships and the separation of the church and state.

## FOURTH TITLE.—THE FILIPINOS AND THEIR NATIONAL AND INDIVIDUAL RIGHTS.

Under this title, from Article VI to Article XXXII, are defined and guaranteed the rights and liberties of the Philippine people. These guarantees are similar and in the majority of instances identical with the guarantees for life, liberty and the pursuit of happiness set forth in our own National Constitution.

Article XXVIII of this title—"the enumeration of the rights guaranteed in this title does not imply the prohibition of any other not expressly delegated"—shows how carefully, in the Filipino Constitution, are guarded the inherent rights of the individual.

## FIFTH TITLE.—LEGISLATIVE POWER.

Article 33. The legislative power shall be exercised by an Assembly of the representatives of the nation.

This Assembly shall be organized in the form and under the conditions determined by the law which may be issued to that effect.

Article XXXIV. The members of the Assembly shall represent the entire nation, and not exclusively those who elect them.

Article XXXV. No representative shall be subjected to any imperative mandate of his electors.

The remaining articles from Article XXXVI to Article LIII are provisions for the meeting, constitution and powers of the Assembly, in the main corresponding to regulations of similar legislative bodies of other nations.

The sixth title provides for a permanent commission with powers of impeachment and powers to convoke the Assembly in extraordinary meetings, etc.

## SEVENTH TITLE.—THE EXECUTIVE POWER.

Article LVI. The executive powers shall reside in the President of the Republic, who exercises it through his secretaries.

Article LVII. The conduct of the interests peculiar to the towns, provinces, and of the estate, belonging respectively to the popular assemblies, to the provincial assemblies, and to the active administration, with reference to laws, and upon the basis of the most ample "desceb-trakizacin" (distribution) and the administrative autonomy.

The eighth title provides for the election of the President of the Republic "by an absolute majority of votes by the Assembly, and the representative specially met in constitutive chamber." His term of office shall be for four years, and he will be reeligible.

Articles LIX to Articles LXXII, of this title provide for the powers and duties of the President; and the functions of the chief executive are guarded by limitations similar to those laid down in our own Constitution.

The ninth title provides for a council of government corresponding in the main, to our own Cabinet officers.

## TENTH TITLE.—THE JUDICIAL POWER.

Article LXXVII. To the tribunals belong exclusively the powers of applying the laws in the name of the nation in civil and criminal trials.

The same codes shall govern in the entire Republic without prejudice to modifications which for particular circumstances the laws may prescribe.

In them shall not be established more than one jurisdiction for all these citizens in common trials, civil and criminal.

By the Article LXXIX, of this title, the exercise of judicial power is made to reside in the supreme court of justice, and in the tribunals which are prescribed by laws, all attributes of which are to be governed by the organic laws which may be determined; and the President of the supreme court of justice is to have absolute independence of the executive and legislative powers.

The eleventh title provides for the organization of the powers of the provincial and popular assemblies to be regulated by their respective laws; and the twelfth title provides for the presentation of the various budgets of income and expenses, and for laws relating to public expenditures and public debts.

The thirteenth title provides for the reform or amendments of the

Constitution; and the fourteenth title for oaths of allegiance on the parts of the various officials, and other details.

#### TEMPORARY PROVISIONS.

Articles XCIV to XCIX provide that "until the preparation of the organic laws for the development and application of the rights granted the Filipino citizens and for the regime of the public powers, determined by the Constitution, the laws enforced in these islands before their emancipation shall be considered as the laws of the Republic;" and likewise provisions for carrying out the civil codes regarding marriage and domestic institutions then in force in the islands. It is also provided for under this title (Art XCVII) that "the President of the revolutionary government shall at once assume the title of the President of the Republic, and shall exercise said office until the constituting Assembly meets and elects the person who is to fill said office definitely. And (Article 98) the Congress as at present composed, or whom may be returned by election or decree, shall continue in office for the four years ensuing; and that whatever questions and difficulties not provided for by law arising from unforeseen events may be encountered, shall be met by decrees to be communicated to the permanent Commission or Assembly on its first meeting.

PEDRO A. PATERNO,

The President of the Congress.

Barasoain, January 20, 1899.

The Secretaries:

PABLO TECSON.

PABLO OCAMPO.



## **The Philippine Commission and the Philippine People—Wise Men and Babes.**

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The Administration has never turned over to Congress the consideration of the Philippine question. Its present plan appears to be, as doubtless its future policy also will be, to maintain indefinitely military rule in the Philippines. Abundant excuses will be found to delay Congressional action. One Commission has been appointed to investigate and report to Congress the condition of affairs.

This Commission was composed of two college professors; one major-general, in supreme command of the armies of the United States in the Philippines; one rear admiral, holding down with his navy the far hemisphere of the globe; and one cold-blooded business man—representing commerce, business interests and syndicates. To this Commission was given plenary power to do and undo, even to the absolution of political sins and granting of indulgences in the shape of office-holding positions in the Philippines.

Two members when appointed were already there in the Archipelago, sword in hand. The three remaining members proceeded on their mission, bearing palms and olive branches.

"Then wise men came out of the East," it is written. Out of the West into the far East our wise men go forth—a reversal of all the historic steps of civilization. The stars hold their breath and await the advent. Behold the dawn of the better day! Angels of peace chant to benighted Filipinos the peans of benevolent assimilation. The Archipelago trembles in devout and anxious expectancy. Beneath, the rattle of musketry and belching of cannon proclaim a hell on earth. Now will vanish the hideous nightmare of warfare and slaughter.

"Joy! Joy! Joy! Proclamation of the Commission!" The groans of the wounded are held back. Hope softens the pangs of the dying—"Good will of the President"—"Fraternal feeling of the American people"—"Largest measure of home rule"—"Ample liberty of self-government"—but listen! What is this we hear? "Sovereignty of Spain transferred"—"Supremacy of the United States—to be enforced throughout every

part of the Archipelago—ruin to those who resist”—“Indefeasible consummation”—“International obligations and rights of the Philippine people”—“Civil service, collection of taxes”—“Reform, corporations”—“Right and justice”—“Aspirations of the Philippine people and railroads!” “The people do not understand—if only the roar of cannon was hushed and the ravage of death stayed, it might be plainer!”

Comes there under white flag delegation of Filipinos, letters of authority in hand, craving truce of Most Worthy Commission—a truce in which to study the new proclamation. Peace! Everybody wants peace—peace and right of self-government. A truce, a truce—and talk of liberty! Independence and liberty!

But no truce is granted—and talk of liberty, independence, home rule, self-government, can not be tolerated for a moment. Sovereignty of the United States—arms given up—and necks bowed to alien supremacy, is the ultimatum of the Commission.

The envoys of the people; men cultured, refined, and progressive; the representatives of millions of a civilized and liberty-loving race, these envoys the wise men treat as babes and little children. Truce, momentarily only; unsatisfactory. The Commissioners are weary—the Commissioners go to lunch. The soldiers of the “Great Republic” are impatient. Guns glisten in the sunlight. Retire in haste the delegates to their trenches—the shooting begins again. Death and carnage reign round about the Commission from day to day during their sessions.

Renewed interviews are fruitless. No discussion of independence is allowed. Abject submission and subjugation is the only step toward peace—and that is unthinkable. Result: Into the empty heavens stare the eyes of the dead Filipinos, and here before us is the “Report of the Philippine Commission, Vol. I.”

A portion of Vol. I was issued as a preliminary report to aid the election in Ohio last fall. The summary of the Philippine situation as there represented by the Commission is in several important conclusions and details flatly contradicted by Document 62 and Messages and Documents, cited herein; and other matters are mere assertions without any facts to maintain them. The summary asserts, for instance, that the idea of national independence first arose in the Philippines on arrival of the American troops in July (1898). This statement is made in the face of the abundant records which prove that the ideal of independence had been fought for in the former insurrections against Spain. The summary sets forth in several places hints and assertions of

insurgent plots and outrages, but behind them all is not presented therein, or anywhere in the records thus far submitted to Congress, a single fact to support the same. That part of the report known as the "Preliminary Report" was evidently prepared for campaign purposes, and is partisan in spirit and in statement. It is not in consonance with the high duties ostensibly entrusted to the Commission.

When, if ever, Vol. II will be turned in to Congress, is entirely problematical. The two college professors, members of the Commission, have gone back to the consideration of Greek roots and Latin conjugations. Major-General Otis is kept busy slaughtering Filipinos, burying American dead, and editing censored news items. Rear Admiral Dewey has taken to himself a wife, and is now looking for the Presidency. The business man, member of the Commission, is on the "hustle" among the stock brokers and syndicates.

It is evidently believed that Vol. I of the report will buoy up the Administration and bear the President along safely until after the November elections—which doubtless it will do, and, if the stars lie not, will also bear him back to Canton.

Another Commission is about to go to the Philippines to renew the farce. Meanwhile a brief review of Vol. I of the report, submitted in January last, will be profitable.

#### PART I.—EFFORTS OF THE COMMISSION TOWARD CONCILIATION AND THE ESTABLISHMENT OF PEACE.

(Report Phil. Com., Vol. I, pp. 3-10.)

Part I is a general report of the Commission in regard to the work done. The report states that at the time of the appointment of the Commission peace existed in the islands; that on the arrival of the Commission in Manila hostilities had been in progress for a month. To clear away misunderstanding as to the purpose for which the Commission was appointed, which was merely "to assist in the peaceful extension of American authority and the establishment of civil and peaceful government among the people," the Commission issued on April 4, 1899, a proclamation to the people, as in its instructions it had been given power to do. This proclamation was addressed to the people of the Philippine Islands, and was to the following effect: It is stated therein that by the ratification on March 20, 1899, of the Treaty of Peace, the sovereignty of the Philippine Islands had been "indefeasibly consummated" in the United States.

That the Commission desired to assure the people of the Philippine Islands of the "cordial good will and fraternal feeling entertained for them by the President and the American people." That the United States was anxious to establish in the Philippine Islands an enlightened system of government, under which the Philippine people may enjoy the "largest measure of home rule and the amplest liberty consummate with the supreme ends of government," and compatible with the obligations which the United States have assumed towards the civilized nations of the world.

The proclamation then proceeds to state the cardinal principles along which the United States will carry on the government. Among them is set forth, first, "the supremacy of the United States must and will be enforced throughout every part of the Archipelago, and those who resist it can accomplish no end other than their own ruin;" second, the most "ample liberty of self-government" will be granted to the Philippine people which is reconcilable with the maintenance of wise, just, stable, effective and economical administration of public affairs and compatible with the sovereign and international rights and obligations of the United States. Eight more cardinal points are set forth in the proclamation, including guarantees of religious freedom, civil service, economical collection and application of taxes, pure administration of justice, instruction of public works, development of foreign trade, establishment of schools, and reforms in government generally—except that supreme reform of self-government and independence claimed and fought for by the Filipinos.

In the proclamation the Filipinos were apparently promised everything except the thing that they wanted—the right of self-government—and were told that alien supremacy was established and would be maintained only.

On April 4th Colonel Arguelles, of the insurgents, called upon the Commission and asked for a suspension of hostilities, in order that the Filipino people might have an opportunity to study and discuss the terms of the proclamation and the form of government proposed thereby, and come to a conclusion as to the advisability of accepting the terms. The Commission told him they had no power to suspend hostilities, and that he should address his request to General Otis. He then asked the Commission to request General Otis to grant such a suspension. The Commission explained that it could not do this—Otis was too far

away, presumably the distance of a block or two; and very likely the Commission could not bother over such trifles anyway.

Colonel Arguelles had several interviews with the Commission, and subsequently left and reported the results of the same to Aguinaldo. He subsequently returned, bearing the letters to the Commission which are known as Exhibit III, and are as follows:

#### EXHIBIT III.

Letters brought by Arguelles to the Commission (Report Phil. Com., Vol. I, pp. 187-8):

San Isidro, April 29, 1899.

Honorable Gentlemen: The Philippine people, through its government, makes known to the Commission that it has not yet lost its confidence in the friendship, justice and magnanimity of the North American nation.

It feels itself weak before the advance of the American troops, whose valor it admires, and in view of the superiority of their organization, discipline, fighting material, and other resources, does not feel humiliated in soliciting peace, invoking the general sentiments of the government of the North American people, worthily represented by the Commission, and the sacred interests of humanity.

But the Philippine government, fully convinced that it has not provoked war, and that it has only employed its arms in defense of the integrity of its native land, asks for a suspension of hostilities and a general armistice in all the Archipelago for the short time of three months, in order to enable it to consult the opinion of the people concerning the government which would be most advantageous, and the intervention in it which should be given to the North American Government, and to appoint an extraordinary commission with full powers to act in the name of the Philippine people.

The welfare of this unfortunate country, and the triumph of the governing party in the United States of America depends upon the prompt establishment of peace. We confess ourself weak, but we still possess resources—above all, the unfaltering resolution to prolong the war for an indefinite space of time, if the undertaking to dominate us by force is persisted in.

In laying before the Commission the preceding statements I believe that I interpret the sentiments of my President and his government and those of the Philippine people.

I salute the Commission with the greatest respect.

Your obedient servant,

AP. MABINI.

The members of the Philippine government have commissioned Col. Manuel Arguelles to present and explain to the North American Commission to the Philippines the following points:

First. The Philippine government finds itself compelled to negotiate an armistice and a suspension of hostilities as an indispensable means of arriving at peace. In the first place, in order to justify itself before its people as having employed all the means in its power to avoid the ruin of the country, and, in the second place, to offer to the Commission a means of putting an end to the war in a manner most honorable to the American army and most glorious to the Government of the United States.

Second. It does not solicit the armistice to gain a space of time in which to reinforce itself, nor does it expect aid from Japan, nor from any other nation, as no government up to the present time has exer-



cised its belligerency nor is disposed to injure its relations with powerful America, especially as there is nothing to be gained thereby. The Philippine government, earnestly desiring the felicity of its people, while it is still in pursuit of independence, would not insist upon fighting for its ideal if the Philippine people, through its accredited representatives, should ask for peace and accept autonomy.

Third. The interests of humanity are at present in harmony with those of the North American Government, and both ask for a brief space of time, however short, in which the Philippine people may reflect upon their sad situation and may understand the bases of the autonomy which is offered to them.

Fourth. If, however, this last resource is denied it, no one can blame the Philippine government for the tenacity which it may show. The honor of the army and the happiness of the country will then determine the only line of conduct for it to pursue—namely, to prolong the struggle until it reaches the end of its resources. This prolongation of the struggle would be fatal to both peoples.

Let the Commission reflect, then, while there is time, that if the war is converted into a national war, it would be very difficult to keep it within bounds.

In that case peace would mean annihilation of the Philippine people or that of the imperialistic party of America.

AP. MABINI.

San Isidro, May 1, 1899.

(Lead pencil note.) If this is refused, notify them that a move will be made for foreign intervention upon the grounds of commercial interests, which are seriously prejudiced by the prolongation of the war, and that a manifesto will be published making known to the world the reasons for the war.

On this occasion Arguelles again asked that hostilities be suspended, so that the Filipino people could peacefully discuss these matters, but such request was refused. The Commission reports that the situation was discussed clearly and amicably, but they say they told Arguelles and his associates that there was one matter, however, which could not be discussed, and that was the sovereignty of the United States. That matter, the Commission said, had been already settled by the treaty of Paris, and, being so settled, was "a fact which was now beyond the ground of profitable discussion."

The Commission further pointed out to Arguelles that by the ninth article of the treaty of Paris it was provided that the civil rights and political status of native inhabitants were to be determined by Congress. He was told that after "a careful consideration and study it was the opinion of the Commission that the Filipino people were not capable of independent self-government, and that independence was an ideal at present impossible."

Naturally Arguelles wished to know what kind of government the all-powerful American Congress would see fit to give them. He said that the proclamation of the Commissioners of April 4th was in a large measure pleasing to the Filipino people, but they would like to know more definitely what would accompany these

promises when Congress proceeded to shape up their government for them. He wasn't suspicious apparently, but he politely suggested to the Commission that the Philippine people would like to have a clear statement regarding the form of government. He was told that it remained for "Congress to finally determine the form of government to be determined by the United States, and that in the meantime, and until the action of Congress, the matter lay with the President, and that the Commission had been sent, among other purposes, to study and to report to the President its views and recommends on the matter."

It would seem from the report of the Commission that this benevolent "taffy" dosed out to Arguelles finally became effective, for he is said to have expressed a willingness to accept this form of "self-government," and reported to that effect to his associates in the trenches. Thereupon, Mr. Don Signor Arguelles was promptly by them stripped of his shoulder-straps and sentenced to twelve years' imprisonment for trying to be a little Benedict Arnold, as it were.

On May 19th, subsequent, some more envoys came from the Philippines who said they had larger powers than Arguelles had been empowered with, to confer with the Commission and to study and discuss the possibilities of peace. They listened respectfully to the discourse of the Commission, suavely promised to come again "some other day"—but we are informed by the Commission that "they never came back again."

## CHAPTER II.—GOVERNMENTAL REFORMS DESIRED BY FILIPINOS.

(Report Phil. Com., pp. 82-97.)

In this chapter the Commission undertake to set forth the governmental reforms which, as they think, are desired by the Filipinos. It is unfortunate for the accuracy of the matters stated therein and the conclusions adopted by the Commission, that the expressed views of the political leaders of the Philippines, as set forth more fully in Document 62, together with the repeated expressed desires of great numbers of Filipinos everywhere engaged in the life and death struggle for independence and self-government, conflict with much set forth in this report by the Commissioners.

The Commission set forth in their report that the rebellion which had for so long a time been in progress in the islands before the occupancy of any portion thereof of the American

forces, arose out of definite grievances and sought redress for definite wrongs. They state what in general those grievances and demands were, as set forth in the rebellion of 1896 and 1897. These were, in brief, demand that Spain concede to the Philippines parliamentary representation, freedom of press, toleration of all religious sects and administration and economic autonomy; restitution of lands to the townships or to the original owners taken and held by the friars, and the expulsion of the friars; abolition of the power of the government authorities to banish citizens, and other unjust measures exercised against the Filipinos; legal equality for all persons, whether peninsular or insular, under the civil as well as the penal code.

This, the Commission says, "is certainly no scheme of independence." The same thing might have been said in the beginning of our own revolutionary struggle, when "no taxation without representation," and the specific demand for the repeal of stamp duties, were the rallying cries of our revolutionary sires. It was not then true, nor indeed has it ever been true in the history of any people struggling for freedom, that all the people were united in one common demand against the weight of oppression.

There were Tories in our own Revolution. There have been Tories, and there always will be Tories among every people, and in every crisis. But, swelling up through it all, there comes the growing love for liberty and demand for self-government. Those who lead such movements are leaders of the hopes and aspirations of the people; and their hopes and strivings, and the acts and the sacrifices of all the people under their leadership, is the measure of the liberty sought for—and for which they are willing to sacrifice their lives.

The Commissioners state further as follows:

The more one studies the recent history of the Philippines, and the more one strives by conversation and intercourse with the Filipinos to understand and appreciate their political aims and ideals, the more profound becomes one's conviction that what the people want above every other thing, is a guarantee of those fundamental human rights which Americans hold to be the natural and inalienable birthright of the individual, but which, under Spanish domination in the Philippines, was shamefully violated and ruthlessly trampled upon. Every scheme of government devised by the Filipinos, is, by primary intent, a means to secure that end.

There are spoken the real sentiments of justice down in the hearts of the Commissioners—but they do not attempt to explain how it is that they can in any way sanction in their report, or by their labors, a policy that forbids the discussion by them with

the representatives of the Philippine nation of that fundamental right—the right of self-government.

The report states :

While the peoples of the Philippine Islands ardently desire a full measure of rights and liberties, they do not, in the opinion of the Commission, generally desire independence.

It would be a misrepresentation of facts not to report that ultimate independence—independence after undefined period of American training—is the aspiration and goal of the intelligent Filipinos, who to-day so strenuously oppose the suggestion of independence at the present time.

How, in the face of the demands made by the leaders of the people and of the lives freely given to that end from the masses of the Philippine people, can the Commissioners in a formal report state that the Filipinos “have not yet resented the evil of alien sovereignty?” “Of course this is far from saying,” states the report, “that the Filipinos are not keenly alive to the importance of home rule, or do not desire large participation in the government of the Archipelago.”

There are none so blind as those who will not see. But the sacrifice of lives made and being made in the Philippines for independence and self-government is known to all the world to-day, notwithstanding the report of the Philippine Commission.



## **The Plan of Government Proposed for the Philippines—The British Crown Colony—The Libel on Jefferson.**

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The Report of the Philippine Commission, Vol. I, states that on January 18, 1899, the civilian members of the Commission met in Washington and organized under the President's directions and adjourned to meet next at Manila. The two college professors arrived at Manila on March following. On that date war had been carried on between the American and Philippine forces for nearly a month. The other member of the Commission, the business man, did not arrive in Manila until April 2d ensuing.

The report states (p. 2) "that it was expected that one of the objects of our mission would be to facilitate the most humane and effective extension of our authority over the Philippine Islands, and secure with the least possible delay the benefits of a civil government. The commencement and continuation of war," it is added, "greatly interfered with the discharge of those specific duties."

It appears that the two Philippine resident members of the Commission—General Otis, on land, and Admiral Dewey, on sea—were kept busy pouring shot and shell into the Philippine people thereabout, whilst the three civilian Commissioners, safe within the American lines, interviewed such stray Filipinos as could be dragged into their headquarters by the lariat. In this way the good work went on, interspersed with an occasional call, under a flag of truce, from delegations of the Philippine forces anxious to come to some understanding about the benefits and blessings set forth in the proclamation issued to the Philippine people by the Commission on April 4th (1899).

The civilian members of the Commission returned to this country in time to issue the Preliminary Report known as "Exhibit I" of this report in time for use in the fall elections; but the entire report was not issued and transmitted to Congress by the President until February 2, 1900—thirteen months after the appointment of the Commission.

The Commission brought back with them, or evolved after their return to this country, a plan of government for the Philip-

pine people, as set forth in Chapter III of the report, a review of which here follows. It is difficult to keep in view the outlines of the plan, whatever it may be, because the Commission, plan and all seem to be inextricably mixed up with a mass of half-digested facts fresh from London concerning the British colonial system:

CHAPTER III.—PLAN OF GOVERNMENT FOR THE PHILIPPINES.

(Report Phil. Com., pp. 97-121.)

There is made a part of this report of the Philippine Commission and presented as Exhibit VIII, "Kirkwood's Memorandum on the Administration of British Dependencies in the Orient." The memorandum deals in the facts and figures in regard to the civil administration of Ceylon, the Federated Malay States, and the Straits Settlements, as well as the military force employed; and takes up thirty-five pages of the report of the Commissioners. Elsewhere in this report the Commissioners devote much space to a discussion of Sir Andrew Clark's policies of a protectorate in the Malay Peninsula, as part of the British colonial system. It would appear from this report, which the Commissioners have submitted, that during their stay in the Philippines they devoted a large share of their time to a discussion of the British colonial system, and wasted little time in talking to the representatives of the Philippine people about independence and home rule. No armistice was granted to discuss that at Manila, and in the midst of a rattle of musketry the Commissioners probably sought solace in the consideration and discussion of that system. At any rate, reflections upon this system are scattered all through the report; and it seems largely to have shaped the ideal government which the Commissioners therein present as being best adapted for the Philippines, to be maintained therein by the military power of the United States.

With trousers turned up and eyeglass properly screwed in, we can avail ourselves of the following from the Report of the Philippine Commission, Vol. I, p. 103-5:

The example of Great Britain, who has been brilliantly successful in governing dependent people, has suggested a colonial form of government for the Philippines; and this plan seems to have won greater favor with the general public than any other. It will be well, therefore, to examine with some care the different kinds of British colonies and the corresponding types of colonial government.

One variety of British colony is exemplified in our northern neighbor. Canada, like Australia and South Africa, possesses representative

institutions and responsible government. These are the great self-governing colonies, which, though nominally dependent, are in reality independent. They contribute nothing to the British treasury; they obey not British, but home-made laws; they make their own tariffs, and even go to the lengths of laying protective duties on the goods imported from the mother country. \* \* \*

The self-governing colony may therefore be defined as an independent nation, which retains survivals of once real forms of dependence on the mother country, with which to-day it stands in friendly alliance against the rest of the world. It is a union of sentiment as well as of interest, and could scarcely exist without a predominance of British blood in the colony, as, indeed, affairs in South Africa now sadly illustrate.

There is no analogy between the relation of the self-governing colony of Australia to Great Britain and that of the Philippine Islands to the United States. Instead of community of blood, race and language there is the greatest diversity, and instead of a common political experience, the one has always breathed the air of freedom, the other has been repressed and atrophied by despotism.

Two other types of British colony remain—the Crown colony, which is a more common than the colony having representative institutions, but not responsible government. Of the latter British Guiana is an example; of the former, Hongkong. Most of the countries with dark-skinned inhabitants which are under British rule are Crown colonies, and most of the Crown colonies consist of countries of that description. For all practical purposes India may be regarded as a Crown colony.

In the Crown colonies the British government has the entire control of legislation, and the administration is carried on by officers under the control of that government. The governor of a Crown colony, who is, of course, appointed by the British government, is assisted by a body called the executive council, consisting generally of heads of departments, who are appointed by the colonial office or by the governor. The governor is not bound by their advice, though he generally acts upon it. There is generally also a legislative council, which consists of the executive council, with the addition of certain unofficial nominated members. As a rule, the government officials form a majority of this legislature, and, besides, the Governor possesses a right of absolute veto.

In colonies possessing representative institutions, but not responsible government, the British government retains the control of the executive officers, and in one way and another, though not so directly as in the case of the Crown colonies, it also controls legislation. There is usually a legislature with two houses, each containing members nominated by the Crown and members elected by the people, the former constituting the majority in the upper house, the latter in the lower. Bills relating to finance, taxation and the tariff, and also the annual estimates, require the consent of the lower house. This naturally furnishes occasion for conflicts between the representatives of British sovereignty and the representatives of the colonial people. But, in the last resort, they can be settled by the supreme authority of the colonial secretary.

The Crown colony furnishes, through the agency of the British colonial service, an excellent administration of affairs; justice is dispensed, taxes are honestly collected and expended, roads and other public improvements are made, property is secure and life inviolate. But, as the government is imposed upon the people from without, it is inimical to the habit of self-government, and this, with all its excellencies, is its fatal defect. For this reason it must be rejected as a model for the Philippines.

On the other hand, the colony having representative institutions, but not responsible government, is something of an anomaly in the British system. And when it exercises its full potencies, should a conflict arise, the popular will is suppressed by the fiat of the colonial office. It has in it, however, the promise and potency of genuine home rule. What is needed to make a harmonious working system is the division of governmental functions between the sovereign powers and the colony and the autonomy of the latter within its own sphere. The governor might, indeed, be given a qualified veto power on local legislation; and in such a case the whole subject should be referred for final disposition to the legislature of the sovereign power, in which, however, the colony should have a representative to present its side of the case. In this way, without doing any violence to representative institutions, the rights of the local legislature and supremacy of the sovereign power could be easily adjusted and reconciled. But in these suggestive modifications the British colony having representative institutions has developed substantially into the American scheme of territorial government.

It does not appear, therefore, that in themselves any of the British type of colonial government is susceptible of direct application to the Philippine Islands. On the contrary, the only one with any promise in it points rather to the American plan of territorial government, in which it seems to find its full fruition.

The solution of the governmental problem in the Philippines is to be found neither in the establishment of an American protectorate, nor in the institutions of a colonial form of government. Does the history of the government in the territories of the United States furnish any better prospects? This question must now be considered.

As a basis for a form of government—and an excuse for it, perhaps—which the Commissioners further on in their report suggest as the most desirable to be given to the Philippines, they review, among other plans, a form of government which one Pedro A. Paterno submitted to the Filipinos from the Spaniards with the express object of winning them over to the side of Spain in the contest with the United States after the destruction of the Spanish fleet in Manila Bay. Paterno seems to have been an agent of the Spanish Government in this undertaking, and, although he held office in the newly created Philippine government, he was evidently a Tory at heart. This scheme of government presented by Paterno is, in the minds of the Commissioners, very nearly "the proper thing." It was made a part of this report and called Exhibit VII.

After a review of this plan of Paterno's, the Commissioners say (p. 96):

A striking likeness to the American system of federal and territorial government is disclosed. As already explained, the monarchical plan of cabinet responsibility must give way to the direct responsibility of the chief executive himself, whose cabinet, consisting of departmental heads, would be a body of advisers merely. That change being made, the governor-general or governor, whichever he may be designated, of the Philippine Islands, would be responsible to the United States alone, presumably both to the President and Congress, for the proper administration of the high trust committed to him.



If he failed in his duty the Filipinos would have redress through representations to Congress, in which, under our territorial laws, they would have at any rate, one of the delegates for whom Paterno's scheme provides, "as a very close bond of union between the Philippines and the sovereign States." \* \* \*

That the sovereign power should appoint the governor-general, that no executive officers should be elected by the Filipinos, is assumed by Paterno, as though it were a part of the natural order of things.

In further speaking of the forms of government that had been proposed by Paterno, who seems to have been a special pet of the Commission and certain other Filipino Tories, who under the direction of the Commission outlined a "model Constitution," the Commission state that "the people of these regions, under suitable property and educational qualifications, should be permitted to elect at least the members of the lower branch of the territorial legislature" (p. 110):

But this Constitution, which provides for popular representation, does not make the senate or upper house wholly elective. Of its twenty-two members, the eleven regions or electoral districts are to elect one each, and the other eleven are to be appointed by the American governor-general, and, when appointed, to enjoy a life term. It would harmonize better with the American practice to have these appointments made by the President, and there seems no good reason why the term of office should not be the same as that of elective senators, which the Constitution fixes at four years. But here the important thing to emphasize is the proposal in the Constitution, which comes from radical Filipinos, that the proper United States authority should appoint half the members of the senate.

The Commission use the term "Radical" mistakenly. The "radical" Filipinos carry guns in their hands after the fashion of Putnam and Warren. The Paterno type of patriots in the Philippines resemble the Tories who hid in their basements in Boston at the time of the insurrection on Bunker Hill.

This constitution also provides that the secretaries or members of the cabinet of the governor-general may be members of either chamber, and if not members, shall have the right to sit or speak in either chamber. With such safeguards in American hands the qualified veto power which this Constitution gives the governor-general (which includes the right to extend the law for a year even after its passage by a two-thirds vote of the legislature over his veto) would probably be adequate for the purposes of good government, especially since, under the territorial plan of government, Congress may (and should) retain the right to veto all territorial legislation. But for that very reason, in addition to other good grounds, the Filipinos should be represented by a delegate in Congress.

One delegate sitting in Congress, gagged, representing a constituency of some eleven millions of souls ten thousand miles away, is a happy suggestion in harmony with the "ample meas-

ure of liberty" to be granted by the present Administration to Philippine people "after the killing is over."

The foregoing plan of government proposed by the Commission is sandwiched in between the different forms of the British colonial system, from Canada to the Soudan, and India to Australia. And yet, the Commission have, perhaps, done as well as could be expected in undertaking to make "a harmonious working system" whereby "without doing any violence to representative institutions the rights of the local legislature and the supremacy of the sovereign power (half way around the globe therefrom) could be easily adjusted and reconciled."

The solution of the conundrum as set forth seems to be as follows:

1. The lower house of the law-making body in the Philippines is to be elected by the people "under proper property and educational qualifications." These qualifications are to be fixed by the alien sovereign government—hence the right to vote for members of the lower house can readily be limited thereby to a selected and small class of the people, and may thus fail to be a representative body in the usual sense of the term.

2. As for the upper house, one-half of the members, under the same restricted suffrage qualifications as in the case of the lower house, are to be elected. The other half are to be appointed by the President for life, or for a long term of years, as the case may be. To further add to the control of the legislative body by the foreign Administration the secretaries or members of the cabinet of the Governor-General are to have the right to be members, or to have the right to sit and speak in either chamber. Here will always be secured an absolute control by the Administration of all legislation in the islands. To these "safeguards," as they are termed by the Commission, is added the further security provided for by the Commission in the veto power of the Governor-General (which includes the right to suspend the law for a year even after its passage by a two-thirds vote of the legislature over his veto) and the absolute veto power given the American Congress over all territorial legislation.

3. The Governor-General and the whole brood of territorial officials are to be the appointees of the President, sent over to the islands from this country by a course of "natural selection," peculiar to the Republican historic "carpet-bag" process.

This is the plan of government which, in the language of the Commission, "after due consideration of circumstances and con-

ditions in the Philippines is what the Commission earnestly recommends."

This monstrosity of imperialism, after months of gestation, is placed by the Commission upon the steps of the White House, and by the Administration has been carried into the halls of Congress. Who is the father of the foundling? Certainly no member of the Commission is equal to that responsibility. It bears, however, close resemblance to the familiar face of an eminent and trusted adviser of the President's Cabinet.

The form of government thus proposed for the Philippines by the Commission is moulded along the lines of the British crown colonial system, or that other kind of British rule in the colonies known to the Commission as "representative institutions, but not responsible government." The plan is all satisfactory to the Commission, but concerning the naming of the government the Commission has this to say (Report, p. 106):

The Commission desires, on behalf of all the Filipinos, to protest against the suggestion of calling the Archipelago a colony. It may be asked, What's in a name? In this case, certainly much; for in the experience of the Filipinos 'a colony' is a dependent political community which the sovereign exploits, oppresses and misgoverns. No other word in their whole political vocabulary is so ill-omened, so terrible, so surcharged with wrongs, disasters and sufferings. Merely to call it colonial would insure the emphatic and universal condemnation of the Filipinos of the most perfect system of free government which the mind and heart of man could devise for the inhabitants of that old Spanish colony of the Orient.

So they propose to call it a "Territorial government of the first class," and in the making of that suggestion they libel the dead in the following fashion (Rep. Phil. Com., Vol. I, p. 111):

The changes suggested in the Jeffersonian scheme of government for Louisiana, in the light of the ideals formulated by prominent and progressive Filipinos—that is an elected lower house with an upper house half elected and half nominated—would practically convert the scheme into a territorial government of the first class.

Elsewhere in the report they have made mock of the name and memory of Jefferson, for on pages 196-7 of the report the following appears:

Territorial Government as a Model for the Philippines.—There is now only one kind of territory in the United States (apart from the unorganized territory of Alaska), but originally and for a long time there were territories of the first class and territories of the second class.

In point of fact, no department of our Government has ever mentioned or recognized any such classification or distinction. Differences, as the Commission state, have existed in the minor details of starting the Territorial government of the States carved

out of the Northwest Territory, and those cut out of the Louisiana Purchase, acquired under the Administration of Jefferson. But the States erected out of the Northwest Territory, and out of the Louisiana Purchase, all came into the Union under the provisions of the ordinance of 1787, which in emphatic terms provided for the speedy formation and admission of States to be created out of such areas; and under cessions and treaty that distinctly provided for the incorporation of the inhabitants thereof into the Union, and guaranteed to them all the rights, immunities, and privileges of citizens of the United States. All allusion to the absence of these provisions in the cession of the Philippines is carefully excluded from the Commission's discussion of what they are pleased to term "the Jeffersonian scheme" of government in the case of the Louisiana Purchase.

Now, what was it that Jefferson did in the case of that accession to our territory, and wherein is this so-called "scheme" unlike the plan recommended by the Commission for the Philippines? The latter is a plan of government for a distant and thickly populated Archipelago, running up into the millions in numbers, who seek to erect a government of their own under a constitution and form modeled on that of the United States, and for which purpose they had waged successful war; and had moreover successfully established the same throughout the islands. On the other hand, in all the vast area of the Louisiana Purchase, some 1,300,000 square miles—larger than the thirteen States and the Northwest Territory combined—when it was acquired, there were only a scattered and migrating people, in numbers about 49,000; of which there were at New Orleans 8,000. These people were willing to enter the Union, and the minor differences which the Commission with blast of trumpets in their report proclaim to be the "Jeffersonian scheme," arose from the very necessities of the fact that the scarce and scattered population was in numbers insufficient to combine into a State under the provisions of the Federal Constitution.

As has been noted elsewhere herein, the treaty by which the Louisiana Purchase was acquired, and by which statehood and citizenship were guaranteed, was ratified October 21, 1803. On the 31st of the same month Congress authorized the President to take formal possession of the lands (Poore's Constitutions, etc., Part I, p. 690). Section 2 of that act provided as follows:

And be it further enacted, that until the expiration of the present session of Congress, unless provision for the temporary government of the said territory be sooner made by Congress, all the civil and judicial powers exercised by the existing government of the same,

shall be vested in such persons and shall be exercised in such manner as the President of the United States shall direct for the maintaining and protecting the inhabitants in the full enjoyment of their liberty, property and religion.

This was a temporary arrangement merely, as stated in the terms of the act itself. And within five months thereafter, on March 26, 1804, Congress passed "An act erecting Louisiana into two Territories, the 'District of Orleans' and the 'District of Louisiana,' and providing for the temporary government thereof." This act provides that the former act of October 31, 1803, "shall continue in force until the 31st day of October next (October, 1804), and on which day this act shall continue and have full force from and during the term of one year, and to the end of the next session of Congress which may happen thereafter" (Poore's Constitutions, etc., Part I, pp. 691-5).

This also was a temporary measure, dividing the Louisiana Purchase into two districts, and by its terms the government thereby provided was limited in duration to a period of one year "and to the end of the next Congress which may happen thereafter."

Before the year limited by terms of the act had passed, during the second session of this, the Eighth Congress, March 2, 1805, was passed an "ordinance for the territorial government of Orleans." Under this act the President was authorized to establish a government similar to that of the Mississippi Territory, in conformity to the ordinance of Congress of July 13, 1787. It is to be noted that the Mississippi Territory was originally that part of Georgia which was ceded to the United States under the same terms substantially as the Northwest Territory Compact, providing for the erection of States and incorporation of inhabitants thereof into the Union; and that the government thereof be established in conformity to the same. So that the Orleans District, which was subsequently admitted into the Union under the name of Louisiana, possessed the double guarantees of statehood and citizenship conferred both by the treaty regulations of the Louisiana Purchase and the Compact between the United States and the States ceding the Northwest Territory.

Section 2 of the above act of March 2, 1805, provided for the creation of a State legislature to be elected by the people, and a system of local and home rule thereby.

Section 7 of this act is as follows (Poore's Constitutions, etc., pp. 696-7): "Whenever there shall be, by actual census taken, 60,000 free inhabitants, they shall be authorized to form for

themselves a constitution and State government, and be admitted into the Union upon the footing of the original States in all respects whatever conformably to the provisions of the third article of the treaty concluded at Paris on April 13, 1803, between the United States and the French Republic; provided that the constitution so to be adopted shall be republican and not inconsistent with the Constitution of the United States, nor inconsistent with the act of Congress passed the 13th day of July, 1787, so far as the same is made applicable to the territorial government hereby authorized to be established. Provided, however, that Congress shall be at liberty, at any time prior to the admission of the inhabitants of said Territory to the right of a separate State, to alter the boundaries thereof as they may judge proper; except only that no alteration shall be made which shall procrastinate the period for the admission of the inhabitants thereof to the right of State government according to the provisions of the act."

The act of March 26, 1804, cited above, was limited by the terms of the act itself to the duration of one year "and to the end of the next session of Congress which may happen thereafter," and which was expressly declared to be "for the temporary government thereof," provided for such a government to be erected along the following lines (Poore's Constitution, etc., Part I, pp. 691-5): The President was authorized to appoint a governor, a resident of the Territory; a secretary; and a legislative council of thirteen persons "of the most fit and discreet persons of the Territory," holding real estate therein and residents of the same, to exercise with the governor legislative powers. "But," it further provides, "no law shall be valid which is inconsistent with the Constitution and laws of the United States." Courts were to be established there by the legislature of the Territory, and judicial proceedings provided along the same lines usual under our judicial procedure.

This act, providing for temporary government of the Territory, is termed by the Commission, on page 107 of the report, "an elaborate scheme of organization," and of which they further say (p. 108 of the same) "possesses besides its intrinsic merits the historical interest attaching to origination of the author of the Declaration of Independence."

All this is clearly an attempt on the part of the Commission to falsify the acts and motives and life of Jefferson—whose name, shining like a star, no detraction can assail. By this libel on the dead it is sought to find a pretext for the establishment of

a false and spurious so-called "Territorial" government in the Philippines under the plan outlined by the Commission.

In point of fact, the act of March 26, 1804, to take effect on October 31st following, was superseded within five months after it began to be effective by the act of March 21, 1805, providing for the territorial government of Orleans, with a complete system of home rule, the same as that enjoyed by the people of all the other territories elsewhere in the United States.

The appointive power given by the act of March 26, 1804, was merely for the purpose of providing for a government over a vast area wherein the population was about one person to twenty-seven square miles, and less than fifty thousand persons in numbers, all told. Within six months after the act took effect it was superseded by the act of March 21, 1805, as cited above, which provided there in the pathless forests for home rule and democracy. In contrast to this, the plan of government proposed by the Commission would erect in areas of dense populations a permanent oligarchy, with the President at its head, in the Philippines, instead of the democracy so speedily established as in the case of the Louisiana Purchase.

And yet, the craftily-drawn and misleading statements in the report of the Commission regarding the early government of the Louisiana Purchase, tends to create the impression that the great soul that enunciated the doctrine of the "consent of the governed" deliberately abandoned that ideal of democracy, and in practice was false to its inspirations. It is true that the dead are helpless, but the American people will resent the abominable misrepresentations concerning Jefferson to be found in the report of the Philippine Commission.

## Civil Service in the Philippines—The Political "Pull"—High Salaries—Life Tenure of Office and Office Bureaucracy.

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As the Commission proceed in their report the skeleton-like form of their plan of "Territorial Government" puts forth there in the tropics buds and blossoms with marvelous celerity. Among others noticeable, is the half-opened petals of that ever fragrant Republican blossom known here as the "Republican Civil Service Rose." It is a real "Victorian" beauty—virtually a graft from the "English colonial service bush," which it resembles in everything but the name.

A "walk into the garden, Maud," there in the Philippines among these transplanted "Civil Service Republican Roses" will be the same as if one were in the fountain-splashed courtyard of the British colonial service in India, Ceylon, or Soudan.

It is to be noted in the details of the civil service plan as outlined by the Commission, and which are hereinafter cited, American officials in the Philippines will have the delights—(1) of Executive appointment, with a "pull;" (2) life tenure in office; (3) high salaries, with the usual provincial "pickings."

Although the officials under the plan of the Commission are to be divided into two classes, yet, as stated therein, "in neither case will there be any examinations"—the "pull" is all that is needed, evidently. And again, "in neither of these groups is there any necessity for limiting the term of service." A glance at this plan of "Civil Service in the Philippines" will repay the curious, and herein follows.

### THE PHILIPPINE CIVIL SERVICE.

(Report Phil. Com., Vol. I, pp. 112-114.)

Regarding the details of the government proposed by the Commissioners for the Philippines, they have this to say about the civil service to be maintained there:

Of course the merit or business system must be adopted and lived up to. The patronage or spoils system would prove absolutely fatal to good government in this new oriental territory. It will be necessary to institute a civil service board or commission, analogous to that which exists in many States of the Union, whose duty it shall be to ascertain by competitive examinations of a very practical character the relative qualifications of the Filipinos who seek admission to the civil service. \* \* \*



In the Philippine civil service there should be, besides provisions for tests of fitness before appointment, regulations to insure promotions upon merit and a tenure of office during efficiency and good behavior. It would be peculiarly detrimental to the public service in a territory circumstanced like the Philippines if on political grounds natives were liable to removal from office as soon as they had learned their duties. However it be in the United States, it is absolutely essential to good government in the Philippines that the natives should hold the office during efficiency and good behavior.

Further discussing the matter of civil service, the Commissioners recommend that the American officials necessary for the Philippine service be divided into two classes (p. 113):

In the first group belong the governor, secretary, attorney-general, certain judges and other high officers of the territorial government. To the second group belong the direct heads of postals, customs and other departments of the federal service in the Philippines. \* \* \*

(P. 113-114.) The members of the first group will be appointed by the President; those of the second, probably transferred from the home service. In neither case will there be examinations. Now, in neither of these groups is there any necessity for limiting the term of office, except, of course, in the case of governor, whose term should be long enough to enable him to accomplish something. Under the scheme of government recommended by the Commission half the Senate is to consist of the appointed members, and it is assumed that the attorney-general, secretary and other heads of departments would be appointed senators. It would be extremely unfortunate if, when these officials had come to understand the language of the people and to appreciate their character, as well as to have gathered valuable experience, their places should be taken by novices, for whom the same elementary training would once more be necessary, and with whom again, it would be balked of its proper fruition. The same considerations apply to the judges, the chiefs of the customs, postoffice, and other departments of the federal service. Permanency of tenure is, therefore, a first requisite in the highest offices which Americans will be called to fill in the Philippines. And to secure the best men—men who are qualified for the arduous task of shaping and guiding the public administration in the Philippines—it is essential that high salaries should be paid.

(P. 114):

Besides the executive, administrative and judicial heads, who can not be selected by means of competitive examinations, there will be a small number of offices intermediate between the heads of departments and the great body of native officials, in all branches of the government, for which it will be desirable to have American incumbents. Americans who are candidates for these positions should be subjected before admission to tests of fitness in the United States. They should then be promoted upon merit, and retained upon efficiency and good behavior.

In some cases it may be desirable, on account of their experience and training, to transfer them from the existing classified service to the Philippine service, and provisions should be made to enable such officials to retain all their rights and privileges as classified employees. By whichever method secured, American officials in the Philippines should be offered salaries large enough not only to enter and remain in the service, but to give an honest, effective, and economical administration free from any taint of corruption. The appointment to the service of the best men available, without regard to politics, and their retention so long as they discharge their duties satisfactorily, are, in

the opinion of the commission, indispensable principles of administration in the Philippines.

Although in the discussion of the Philippine civil service the Commissioners refer to the large number of native officials to be employed therein, it is evident, from the provisions set forth regarding American office-holders in those islands, that our brown-skin brothers will be a minority in the office-holding class. In referring to the desirability that the American office-holders shall learn the language of the people, the report sets forth as follows (p. 114): "This requirement should be extended to the town and county commissioners or supervisors if they are not as a class brought under the provisions of the civil service regulations." A civil service whirlwind like this sweeps home rule and local self-government off the face of the earth. Town supervisors and county commissioners are all to be Americans. The only offices left for the natives in the Philippine towns will be that of sweeping the streets and cleaning the gutters.

This plan of colonial government and civil service was also laid before the Paris Commission by General Whittier, who called special attention to the English plan (Doc. 62, pp. 506-9). General Whittier stated as follows:

It will be admitted that England has been the only successful administrator of colonial government in the world. Holland has had a great career, but possibly things are not so well with it just now in Java and Sumatra; at any rate, it is not comparable to England.

Continuing, General Whittier described in detail the forty distinct and independent governments comprised in the British Colonial Empire, setting forth the differences in the form of government granted to each, citing from Field-Marshal Roberts' "Forty-one Years in India."

General Whittier, in commenting upon the British colonial system, added: "We must have a colonial service; and to make this effective, changes of officers must not be made with every change of Government. There must be a surety of promotion to induce good men to live—often alone—so far from home and in such a climate. Good pay for civil and military officers is most essential, and I here quote an article on this subject from 'The Spectator' of September 24, 1898."

This article, quoted as above, presented the fact that the United States would need to keep at least 90,000 men in active service in the army to control such a colonial system scattered from the Philippines to Cuba. Upon the question of "reliefs" that are essential to the welfare of an army when in foreign places and in unhealthy climates, the article states:

The wastage in this army of 90,000 men, caused by death, by disease, and owing to a short term of enlistment, will be very great, and the gaps will constantly have to be filled from America. That there will be little trouble in finding new recruits we are well aware, but it is not finding the recruit that is the difficulty. When he is enrolled he will have to be equipped and transported to the place where he is needed, possibly a hitherto unsurveyed island in the Pacific, but this means an elaborate system of transports and a relief system, such as exists in the British army, with probably 6,000 or 7,000 soldiers always afloat, either coming home or going out to America's new colonial empire.

Continuing, the "Spectator" sets forth as follows:

There is yet another point most vitally connected with the efficiency of a large military force stationed abroad and in tropical and in half savage places to which the Americans must give attention. They must pay their military officers well. Pay on what is practically active service in the tropics ought to be double what it is at home. The colonels, captains, and even subalterns in Cuba and the Philippines will be set to do most arduous and responsible work; and if good work is to be done, they must be well paid. There is no truer maxim in statecraft than that power will be paid. If it is not paid officially it will sooner or later pay itself, but such self-payment means ruin and demoralization. That the private soldiers will be liberally treated goes without saying. What is not so certain is that the American people will realize that the officers to whom immense powers will be given must also be paid in proportion. Good salaries are only instruments which can be permanently relied on to kill corruption, and it is absolutely essential that America should start her new colonial empire free from the slightest taint of corruption. If the salaries are good, it will be possible to introduce stringent rules against executive officers holding land or engaging in any kind of speculation in the regions which they are occupying.

It is to such rules, coupled with good salaries, that in the last resort we owe our success in India. Put an American officer, civil or military, in a great position of trust and responsibility in some outlying district in the Philippines, where his word will virtually be law, and pay him well, and make it a matter of honor that he shall get no indirect gain from his position, and he will turn out a Lawrence. Give the same man poor pay, and expose him, as he must be exposed, to great temptations in the way of illicit gain, and you will in practice be unable to maintain a high standard of official duty. The Americans must not be misled by the fact that they will be able to get plenty of men, and apparently sound men, at small salaries. Depend upon it, this apparent simple matter of salaries is of the utmost importance. If he is inadequately paid, he has a sense of grievance and tells himself when he is tempted that he has a moral right to do for himself what the country ought to have done for him.

Continuing his testimony, General Whittier cited further from the article on the subject of colonies of the "Spectator" of September 24, 1898, as follows (Dec. 62, p. 507):

Side by side with the problem of military organization, and closely allied to it, is the problem of civil administration. Very soon after the troops had taken possession of Cuba, Porto Rico and the Philippines, there will be an urgent need for civil administrators, including judges, of all kinds. Here, again, the need for a satisfactory tenure of office and high salaries will become urgent, more urgent, indeed, than in the case of the soldiers, who are always largely protected by the sense

of esprit de corps. It is in reference to this question of how to provide these civil administrators that we see the only sign of hopelessness and pessimism that have yet been exhibited by the Americans.

Grave Americans of experience and high standing are apt to say that they do not see where or how they are to obtain men of the kind we obtain for the Indian civil service. The material, they infer, does not exist. We do not believe it for a moment. The material does exist. Only as yet it is in the raw. It will be the duty of America in the course of the next few years to develop a body of Indian civilians—men who, if turned into a tropical swamp or forest and told to organize a government and administer it, will do so straight away.

No doubt making a start will be a difficulty; but that once made, a tradition of good service will soon develop, and thousands of good men will come forward. After all, the States have never found any difficulty in filling West Point and their naval college, and exactly the same stamp of man will do for civilian work. Look, too, at the success of the American missionaries. The same zeal and willingness to work away from home among the savages and semisavages will, we are certain, be placed at the disposal of the State. The men who fill our Indian civil service are mainly the sons of naval and military officers, of professors, of schoolmasters, of doctors, and above all, of clergymen. All these classes are to be found in the States, and when once the need and the opportunity are realized they will give their sons to the service of the State. Only one thing is necessary—the parent who thinks of bringing up a son for imperial work must be made to feel that his boy will have a real career open to him, good pay, a secure tenure of his post, a pension when he retires, and an office conveying a certain amount of distinction and consideration. When America has developed, as we believe she will develop, a class of civilians, she will have added a most valuable element to her population. Once create a high standard of administration in Cuba and the Philippines, and the effects will be felt in New York, Chicago and San Francisco.

Here we have the real fullness of the royal plan of civil service disclosed. The lily-handed sons of "naval and military officers," "of clergymen," etc., are in the career opened thereby, to enjoy "good pay." Such an offshoot is to have a secure tenure of his post, a pension when he retires, and an office conveying a "certain amount of distinction and consideration." And, as it is stated, "the effect will be felt in New York, Chicago and San Francisco"—the race of snobs, dudes and office-holding aristocrats will be multiplied until all thought of democracy is there forgotten.

It is indeed impossible to depart from the ideal of democracy in our Government without straightway building up an aristocracy. The official bureaucracy of the English colonial system is inevitable here with the establishment abroad by our Government of any system that has not within it, as the life-giving principle, the consent of the governed.

In regard to the form of the colonial government, General Whittier further submitted the following as worthy of consideration (Doc. 62, p. 107):

1st. A governor, with an executive council of six members, say, official members of legislative council, colonial secretary (lieutenant-governor), treasurer, attorney-general, commanding officer of army, commanding officer of navy, commissioner of lands or collector of customs, and also six unofficial members.

To this should be added a commissioner or minister to native affairs, with a salary which should impart a dignity and importance to the office, which should be purely advisory and given to one of their leaders.

And in this manner, commenting upon the colonial government in Ceylon and in other parts of the British Empire, General Whittier sang the song of imperialism—no doubt to the delight of our worthy Commissioners.

Then followed in the testimony of General Whittier the following (Doc. 62, p. 508):

In connection with the settlement of the form of government will come the necessary legislation in the four most important questions of currency, revenue, opium, and the admission of the Chinese. That silver must remain the currency for a long time seems certain. This is a question (a part from whatever views we entertain on a gold standard or bimetallism) on which it will be difficult to educate the natives to the belief that our silver dollar is worth double the Mexican of the same weight and fineness, so an attempt to introduce it would result in double wages and costs of products; hence though the British are tenacious as any one of the gold standard currency—by order in council in 1894, a British dollar was authorized to be issued for circulation in the East. It is identical in weight and fineness with the Japanese yen (same as Mexican dollar) and has been made legal tender in Hongkong, the Straits Settlements and the Labuan. Notes payable in this are issued by the Hongkong and Shanghai banks, the manager of which, with its twenty-six branches, the recognized authority in the East, expressed to me the opinion that we might to advantage repeat the experiment with the trade dollar in the Philippines.

I have no doubt it will be a popular and successful currency, and an American bank of issue, abundantly secured, will be of great utility and preclude the cumbrous method of handling such masses of silver; but the question, as well as the other three, all upon which the wisest differ, should be considered by a commission of experts. This is especially in regard to revenue.

Doc. 62, p. 509:

Further, great revenue should come from opium and tax on Chinese admitted. The British opium commissioner declared in effect that the reputed ill effects of opium have been greatly exaggerated, that it has not been a great injury to China, as a nation, no more than spirits and tobacco have been to other countries.

So, here we will have in the Philippines a real English colonial civil service; a bank syndicate of the type now being formed everywhere in this country; and, very likely, a revenue from the use there to be made by the victims of that drug, to sell which in China the English Government battered open the ports of that Empire—with results known to all the world—and this is no "Hasheesh" dream, but is all to be found in the outlines of the plan to uphold which the Administration is committed.

## THE PHILIPPINES—CLIMATE, PRODUCTS, RESOURCES, AND DEVELOPMENT.

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The first thing that the human being encounters on entering the world is the weather—it seems peculiarly chilly. This changing insistence of temperature sensations follows us through life at all times and places. You land at Manila on a peaceful summer evening. The air is balmy and delightful. You stray up through the strange sights of the town to the plaza. There you sit down and listen to the entrancing strains of a Spanish waltz rendered by the Filipino band, each member of which belongs to a race possessing rare musical talent—born with harps in hand, as it were. Night steals over the sea. Up and down the boulevard along the shore pass the happy, careless throng. Down through the cloudless sky shine the lustrous tropic stars as you seek your couch. The faint twang of the guitar and the soulful cadence of the far-off love song soothe you to rest. All is peace; the ideal life is at last found—there in the Philippines. The benediction of sleep settles upon you.

But in the midst of your slumber there comes a blast as if the very heavens were rent asunder. The roof above is snatched away in a whirlwind of darkness. Torrents of rain complete the ruin, and in terror by the blistering lightning's flash you grope your way for help and shelter. When the birds sing in the morning's sunlight the native tells you the storm of the night before was merely a monsoon—a storm that comes out of cloudless skies at most any time in that region.

Later on you make the acquaintance of the typhoon and the cyclone—twin brothers of tropic infamy, but wholly unlike in their characteristics. You learn to distinguish them by their habits. The typhoon sends no cards in advance. He simply sweeps you off into space to become, possibly, an asteroid with a fixed orbit for the rest of your life. The cyclone, on the other hand, circles around on the horizon like a hawk, facing you at every turn you make for escape, and when you are hypnotized into a proper sense of peril, lifts you gently with a languorous whirling motion, of a thousand whirls per second, and dashes you against the distant mountain-top—and there you are. You find that,

geographically speaking, the Philippine Islands are bounded on the north by the typhoon, on the east by the monsoon—and that the cyclone looks after the remaining points of the compass.

You live through all this—even become indifferent to a climate like that. But there is another element of uncertainty in that region: The Philippines were sired by the volcano, and their dam is the earthquake. The former is a sight of grandeur, belching fire and smoke far up in the skies above you. You watch them and learn to love them, until you are told that whenever the lava and fire and smoke ceases—which is liable to happen at any moment—then comes the earthquake and shakes the whole Archipelago. The volcanoes are nature's safety-vent for the hell beneath the islands there. When sinks their lurid glare—then trouble begins. The earth opens and yawns with weariness and whole provinces sink into innocuous desuetude. Ever after that you keep your weather eye on the volcano, so that you may be ready for the earthquake. All these things to the native of New Hampshire's granite hills, and of the Western Reserve in Ohio, who are migrating to the Philippines, will make life for them one perpetual psalm of peace; and "Nearer My God to Thee" will shortly become the national hymn of our "Philippine possessions."

These are exaggerations, it may be said. Not so—search the records; study "Doc. 62" and the "Report of the Philippine Commission, Vol. I," submitted to Congress by President McKinley; search them diligently, for in them will be found life—in the Philippines.

But the mere matter of climate is not of supreme importance. The steadfast soul can endure any climate—and, in view of certain theological beliefs, a large portion of mankind will become accustomed to a climate "as is a climate."

Health, also, is a mere external incident of existence. The report of the Philippine Commission regarding the healthfulness of the Philippine climate is of decided interest. In reference to fevers the report shows (Vol. I, p. 160) that the fevers of the old familiar home brand, such as typhoid and malaria, are very prevalent, affecting Europeans more than natives; and they add to that enumeration a strange type of fever called "Dengue." The details concerning the latter disease are not given with all the fullness that one longs for, in Document 62, and Report of the Philippine Commission, Vol. I.

The "Dengue"—mysterious malady! What is it? How does it begin? And through what stages of pain-racking misery is

the mortal frame carried thereby to the final consummation, which the report states is death. "Dengue!" "Dengue!" Soft-swelling euphonious name! Welcome death in such a guise! When comes our turn, in that far Eastern land, to stand up in answer to the summons of "Next!" uttered by the ever-present Spectre of Death, we will "brace up" and manfully face our destiny. Down into the "Valley of the Shadow" we will fearlessly go through all the devious, winding avenues of pain by the "Dengue route" to death—and whatever may await us beyond—for not even "Dengue" and death can daunt the swelling hopes of a Philippine expansionist.

But concerning some other ailments peculiar to the Philippine Archipelago, the reports are more explicit. The following description of one of the favorite diseases there is presented (Report Phil. Com., Vol. 1, p. 160):

Beriberi is prevalent among the islands, but so far has been confined entirely to the natives during our occupation, but formerly has attacked Spaniards. It appears in several forms, in what is known as the oedematous form, in which the person's body becomes swollen and dropsical. Then, in the paralytic form, in which the loss of power in the legs and arms is the chief symptom; then the mixed form, where both are combined. It runs a chronic course, lasts days, weeks, or even months, but rarely acute. \* \* \* It attacks especially persons in the prime of life, apparently in the best physical condition. Persons under forty are the ones generally attacked. \* \* \*

It is evident from these details that "Beriberi" is a disease not to be cured by Christian Science or any other mind cure process. It has the diagnosis of rugged health—when a man feels best he is in the greatest danger from "Beriberi." "It attacks especially persons in the prime of life, apparently in the best physical condition. Persons under forty are the ones generally attacked," the report states.

This is encouraging to the sturdy Anglo-Saxon heart. Moreover, when attacked there is left to you a choice as to what particular manifestation of "Beriberi" you will indulge in—"the oedematous form in which the person's body becomes swollen and dropsical," or the "paralytic form in which the loss of power in the legs and arms is the chief symptom;" or again the "mixed form, where both are combined," the report states. This is an admirable and kindly provision of nature in the Philippines—"Beriberi cocktails" mixed to order! No true American, however, will take anything but "straight goods," the "pure stuff," with death for "a chaser."

The report states (p. 160) that very many sudden deaths among the soldiers have occurred of dysentery.



Besides tuberculosis, which is very prevalent in the Philippines, as the report states (p. 160), one can indulge in the seductions of that ancient and far-famed luxury, leprosy. This disease is described (p. 161) in the following graceful rhetoric:

Leprosy is common in Manila and in several other places in the islands. During our stay at Manila there were usually from seventy-five to eighty-five patients at the San Rosario Hospital. It appears in a variety of forms. There are two general types of it. One is the tuberculosis form, in which nodules appear under the skin, which gradually enlarge and break, and the skin and tissue just beneath are first affected, and subsequently to the development of those nodules, the parts become enlarged and afterwards ulcerated. These ulcerations are followed by healing scar forms, causing a peculiar deformity, and it gives a leonine expression when affecting the face. Sometimes the parts become darker than formerly, and sometimes there is a white appearance.

The other form affects the nerves and causes loss of sensation; that may also be attended by the development of these nodules. It is a condition of rotting away, often causing loss of members.

Although stating the number of leprosy patients in the hospital at Manila, no estimate is made of the number of people that might be encountered on the streets and elsewhere of that city bearing evidences of the ravages of that disease, either in the "polka dot" ulcerous form, which, as the report states, is manifested by the appearances of "Nodules" in various states of development, or in the "dry rot" form, in consequence of which various members of the human anatomy fall off on the slightest provocation.

All in all, the possibilities of life, sickness and death in the Philippines are truthfully and graphically stated in the President's message to Congress, containing Document 62, and in Report of the Philippine Commission, Vol. I.

Furthermore, regarding the climate of the Philippines, the following appears in the Report of the Philippine Commission, Vol. I, page 161:

The climate is interesting on account of the continuity of the heat rather than any extreme. That has advantages and disadvantages to Americans. There is very little danger in catching cold from sudden depression—less than in America. On the other hand, the continuous heat is very trying and enervating, and will probably prove to be so on Americans. It interferes with the process of digestion, and unless one be particularly prudent in regard to food, the time and place of taking, etc., he is sure, sooner or later, to have an attack of stomach trouble. The climate, with other conditions, seems to affect Americans, especially with regard to assimilation. People who have lived here a long time gradually grow pale. Of course there are exceptions; there are those who retain their vigor. Those who are familiar with the climate tell us anaemia is one of the common complaints in the Philippines and in similar climates.

The report further states that it is extremely important to wear an abdominal woolen band next to the skin the year round; that one should be very careful about taking too frequent baths, and be especially careful about the diet. One discouraging feature of the report is as follows:

Most English people here take as a stimulant whisky and soda, generally Scotch whisky. Most people who drink, drink too much. A man who could with impunity take several drinks in a day at home would suffer if he attempted the same thing here.

This is sad. Of what benefit is expansion and "benevolent assimilation" if a man has constantly to keep count of the drinks he has taken during the day? Such a life would be truly intolerable.

The report further speaks (p. 162) of:

A custom prevailing in Manila of keeping within doors from 12 to 3 P. M., which is universally commended. It is doubtful whether the white race could work in the sun.

The report calls special "attention to a carefully prepared paper on the subject of sanitation, from the pen of Dr. Henry E. Hoyt, major and chief surgeon, United States Volunteers, who is now stationed in the Philippines, for which see Exhibit IX."

Turning over a few leaves of this report, to page 262, we find Exhibit IX, containing the official communication of Dr. Hoyt, major and chief surgeon, United States Volunteers, upon the subject of health in the Philippines, wherein he states the following: "Smallpox is prevalent everywhere, and in this latitude and longitude is very fatal, especially to whites."

And further as follows: "The fact that the white man can not successfully perform manual labor in this climate, and that the Chinese are more reliable in this respect than the natives, should not be overlooked."

In the same connection, Major and Chief Surgeon Hoyt in his report mixes medicine and morals in a fearless and, no doubt, truthful manner, in which he has to say the following (p. 162):

Many of the customs, habits, and pleasures that the natives have been accustomed to and that have been legitimized in the Orient for centuries, should not be radically changed or prohibited for many years to come. I refer more particularly to cockfighting, gambling, the use of opium and prostitution. These can all be tolerated and allowed under proper restriction, inspection, and regulation, but can never be prohibited. The attempt to prohibit will simply encourage the people to disobey the laws, scatter the evil (so-called by Americans) along the highways and byways, and the government will be minus a large source of revenue.

The following statement regarding the Philippine Islands is taken from Johnson's Universal Cyclopedia (1895)—article revised by C. C. Adams, and made a part of Doc. 62, pp. 539-40:

A group of over 400 islands, extending across 16 degrees of latitude, between Formosa and the Moluccas, and forming the northern part of the Malay Archipelago. The largest are Luzon, Mindanao, Samar, Mindoro, Panay, Leyte, Negros, Masbate, and Sebu. The total area is estimated at 114,326 square miles, all under the Spanish rule, and divided into forty-three provinces. Population about 7,000,000. The Philippine Islands are of volcanic origin. Active volcanoes are found throughout the whole group, such as Mayon, and Buhayan, in Mindanao, and earthquakes are frequent and often violent. In 1863 Manila, the capital of Luzon, was nearly destroyed, and in 1864 the whole province of Zamboanga, in Mindanao, was fearfully devastated. The soil is exceedingly fertile, and as water is abundant, both in lakes and rivers, and the climate is hot and moist, vegetable life reaches here an almost gigantic development. The mountains, rising to a height of 7,000 feet, are covered to their very tops with forests of immense trees, yielding excellent timber and many of the most valuable sorts of wood. Teak, ebony, cedar and gum trees, iron and sapan wood are interspersed with breadfruit and cocoanut trees, oranges, citrons, mango, tamarinds and other varieties of fruit trees, the whole bound together with floating garlands of huge climbing plants and brilliant parasites. On the extensive slopes and in the valleys are cultivated abaca, or hemp, of which about 65,000 tons are annually exported. In 1890 8,000 tons of tobacco and 110,000,000 of cigars were exported. The other products are cotton, sugar, coffee, indigo, rice, wheat, maize, pepper, ginger, vanilla, cinnamon, cocoa, etc. Of dangerous wild beasts there are none; oxen, buffalo, horses, goats, sheep and swine of peculiar but excellent breeds, are extensively reared; deer, wild boars, pheasants, ducks and fine fish are abundant. The forests swarm with monkeys, squirrels, parrots, sunbirds and bees; the jungles with lizards, snakes, tarantulas, mosquitoes and other insects. Gold is found, also iron, copper, coal, vermilion, saltpetre, sulphur (in large quantities, both pure or mixed with copper or iron), mother-of-pearl, coral, amber and tortoise shell.

The Philippine Islands were discovered in 1521, by Magellan, who named the group in honor of Philip II, of Spain. The inhabitants consist partly of Negritos, who have woolly hair and other characteristics of the negro, and seem to have formed the aboriginal population. They live in the interior, are repulsive and savage in aspect, and roam in bands. There are only a few thousand pure-blood Negritos left, as they have long been in process of extermination by the Malay immigrants, or of absorption through cross-breeding with other peoples. The Malays are in a large part Roman Catholic, settled in villages, and engaged in agriculture and fishing. They possess many fine branches of industry, as, for instance, their beautiful mats and their elegant linen fabrics, and they imitate European industry, shipbuilding, leather dressing, carriage building, etc., with great success. The Chinese and the mestizos, descended from Chinese fathers and native mothers, are mostly engaged in commerce. Very few Spaniards reside in the Islands, but the Chinese are very numerous, and natives of the Malayan race form the vast majority of the population.

Mr. John Forman, of London, England, fellow of the Royal Geographical Society, author of a book on the Philippine Islands, published in 1891, testified regarding the islands before the Peace Commission at Paris. His statement is made a part of Document 62, as are also quotations from his book, put in evidence by other witnesses before the Commission. Mr. Forman testified in considerable detail in course of the examina-

tion and stated that he had resided in the Philippine Islands in all at different times about eleven years. He stated about earthquakes in the Philippines the following (Doc. 62, pp. 469-70):

Mr. GRAY: Q. What about earthquakes?—A. In this century the greatest of the earthquakes which may be considered of very great importance was that in the year 1863, when, amongst other damage done, the whole of the roof of the cathedral came off and the building collapsed, and it is estimated 2,000 people were killed. It shook down also the governor-general's residence in the same square where the cathedral was situated. It shattered it to pieces. This was in 1863, and two years ago only they started to rebuild this official house. Since 1863 the governor-general has resided outside of Manila, in a place called Malacanán.

Q. Have there been any earthquakes since?—A. In 1880 there was a serious earthquake, seventeen years after, and a great deal of damage was done, and all the people were very much scared. All the foreigners escaped to the ships in the bay. Very serious damage was done, although there was but little loss of life. In 1882 there was a cholera epidemic, which was a very rare thing, and I suppose twenty Europeans died and about 40,000 natives, and a typhoon came after the epidemic, and the whole thing vanished in twenty-four hours.

Q. What did the typhoon do?—A. Carried off the roofs of fifty or sixty houses. Some of the corrugated ironwork from the roofs was carried off into the streets, and a number of Chinamen risked their lives to get it, and one had his head cut off.

Q. Are they frequent?—A. There are more or less every year, but they are not so serious. Once every six or seven years there is one very serious, and there is a certain amount of loss in schooners and sailing vessels and the interisland trade.

Q. There are volcanoes there?—A. Yes, sir; when the volcanoes are in eruption they know there is no danger. In this lake, near Manila, known as Laguna del Bayo, there is a very pretty and famous volcano known as the one of Taal, which was in eruption when I last heard from Manila.

The volcano of Mayon is in the extreme east of the island of Luzon, in the province of Albay. That is a very fine volcano; a grand sight to see at night. Of course the whole island is supposed to be of volcanic origin, and when the volcanoes are in eruption you know there is no danger; you know there will be no earthquakes, and they do no damage. Of course some of the natives are stupid enough to live in the immediate vicinity, and occasionally get killed.

Mr. Forman stated that the rainy season was the middle six months of the year; "drenching rains come, frightful down-pours sometimes, but everything dries so quickly. Out of the other six months, four months have absolutely not a drop of rain."

Mr. Forman's article upon the Philippines in the *Contemporary Review* of 1898, is also embodied in Doc. 62, pp. 584-594. Among other statements is the following:

The archipelago consists of an undefined number of islands and islets, usually estimated at about 600, extending over approximately 12 degrees of latitude, including the protectorate (in the extreme south) of the Sultanate of Sulu. The islands of commercial importance whence the supplies of produce are collected from the ports open

to foreign trade, number about twenty-five, the chief of which are Luzon, Panay, Negros, Samar, Leyte, Cebu and Mindanao. Besides Manila, there are three other ports open to foreign trade, all under very vexatious and restrictive regulations, namely, Iloilo, in the island of Panay; Bebu, in the island of the same name, and Zamboanga, in Mindanao.

The most northerly island is Luzon, situated about 200 miles due south of Formosa Islands. Manila, the capital (on Luzon Island), is some 630 miles from Hongkong, or, say sixty hours steam in the vessels which regularly ply between these ports. The run from Singapore to Manila in the regular (Spanish) mail is about five days and a half. In normal times there is the monthly Spanish mail from Europe (the *Compania Transatlantica*), calling at Singapore both ways; an intermediate steamer also runs between Manila and Singapore, and one may also count on a Hongkong steamer about every five days.

A portion of this article of Mr. Forman's in the *Contemporary Review* of 1898, as set forth in Doc. 62, pp. 585-589, gives an interesting historical sketch of the Philippines. Among other statements appears the following:

The history of the Philippines is extremely interesting, but, like that of most Spanish settlements, its pages record far more deeds of strife, treachery and oppression than of glory to the rulers, or happiness to the ruled.

Continuing, the article narrates that at the dawn of the sixteenth century the Pope substantially partitioned off the "known and unknown universe," and that with the lands disposed of to the several countries by the Pope went "the Papal blessings—and on the condition that the foremost consideration in the colonizing schemes should ever be the salvation of souls." "No doubt," continues the article, "every Castilian soldier was guided by those same feelings which finally inspired Ignacio de Loyola to hang up his sword in the little Basque church and seek that 'end which justifies the means.'" Love of treasures to be obtained in the new possessions "bore an influence as potent on the minds of the masses as the ideals of religious chivalry which inflamed the ambitions of the leaders."

The article further narrates the voyage of Ferdinand Magellan down through the straits which bear his name, on to the Ladrone Islands, and thence his landing on one of the Philippines, where he was fatally wounded by an arrow after having claimed that region as a possession of the King of Spain.

Concerning the islands General Whittier, in his testimony before the American Peace Commission at Paris, read the following statement, prepared by himself (Doc. 62, p. 493):

The Philippine Islands are estimated to be in number between 600 and 1,000, the latter, if we include the Sulu archipelago and Paragua, extending over about twelve degrees of latitude including the protectorate, extreme south of the Sultanate of Sulu (Jolo) is an area of about one hundred and fourteen thousand five hundred square miles,

and a population estimated from 5,500,000 to 8,000,000. About twenty-five islands are of commercial importance, from practically all of which supplies of produce are collected and sent to Manila for baling, pressing, classification and shipment to foreign ports. The principal islands are Luzon, Panay (of which Iloilo, the second port of the Philippines, is the most important town), Negros, Samar, Leyte, Cebu and Mindanao. The last named has a port, Zamboanga. Foreman, in his book (1872), said of this island and of Sulu, etc.:

"Half of the Philippine Archipelago still remains to be conquered, but only its Mussulman inhabitants have ever taken the aggressive against the Spaniards in regular warfare. (A change since with the effective action of the natives.) It is at a great sacrifice that the Spaniards can retain the little possession they have acquired in the south, and frequent acts of violence are still perpetrated on them by the turbulent Mussulmans, who virtually refuse to recognize other rights than those of their Sultans, to whom they give allegiance. Indeed, it may be unhesitatingly asserted that the Spaniards hold no more domain in Mindanao and the Sultanate of Sulu than that of a day's march from their respective garrisons. Mindanao, particularly, not one hundredth part of the territory.

"This same condition exists to a lesser degree in the other islands; large tracts of unexplored country, occupied by various tribes, with more rumors than is actually known about habits, ferocity, etc., this particularly with the mountainous country in the center part of the northern portion of Luzon. It will require the intelligent, systematic work of years to open, develop and govern these places. For ages it has been the Spanish official system to declare territories under their rule, without taking step to make their possession manifest to the rest of the world or to themselves.

"The Spaniards have apparently never known the number of the islands owned by them for all these years, or the population. The last census is very vague."

Frank A. Vanderlip, Assistant Secretary of the Treasury, in the *Century*, August, 1898, gave facts and discussion about the Philippines which have been embodied in the report of the Peace Commission. He states (Doc. 62, p. 566) as follows:

The number of islands in the Archipelago is variously estimated at from 500 to 5,000, the smaller figure relating to those which are susceptible of cultivation or are valuable for their timber and minerals. Their area is as large as that of the six New England States, with New Jersey, Delaware and Maryland. The area of arable land, however, is scarcely more than one-third of that contained within the limits of the States named. The reason for this is the volcanic origin of the islands and the consequent ruggedness of the country. In Luzon, the principal island, and the one upon which Manila is situated, there is a fertile valley, drained by the Cagayan, some 200 miles in length and 100 wide, lying between ranges of mountains on each coast. The valley of the Cagayan, under good government, has a bright future before it.

Also (Doc. 62, p. 568), as follows:

Until the year 1890, the United States annually imported from 110,000,000 to 300,000,000 pounds of Manila sugar, but since that time a market has been found nearer the supply, and China and Japan have become large consumers of Manila sugar. There are extensive refineries at Hongkong which take a considerable part of the product.

The consumption of sugar is increasing so rapidly, especially in the United States, that, properly handled, the sugar resources of the Philippines will necessarily be developed in order to add to the world's supply. We annually import sugar to the value of \$100,000,000, an amount which largely offsets our export of wheat. It is believed by the best authorities that the industry in the Philippines may be made to rival Cuba in the output and quality of the cane sugar. It has been a matter of comment that while sugar of excellent grade is produced in Cuba, in the Philippines, under the dominion of the same country, but little effort has been made to develop resources which even surpass those of Cuba. \* \* \*

And continues (Doc. 62, p. 568) as follows:

The third product of the Philippines, in the order of importance, is tobacco. While the United States furnishes a market for the hemp and sugar of Manila, scarcely any of its tobacco or cigars is brought to this country, except now and then upon sailing vessels engaged in the Eastern trade, but the crop is an important one, and Manila tobacco and cigars have long held the same reputation in the East that the Havana product holds in the West. \* \* \* The manufacture of cigars, cigarettes and cut tobacco at Binondo, a populous part of new Manila, has now assumed great proportions. One company employs 10,000 hands and has a capital of \$15,000,000.

In General Greene's statement (Doc. 62, p. 409) is the following regarding Manila tobacco and cigars: "Manila cigars of the best quality are unknown in America; they are but little inferior to the best Cuban, and cost only one-third as much."

The following is also stated by Assistant Secretary Vanderlip (Doc. 62, p. 569):

The present foreign commerce does not seem large in comparison with our own enormous trade. In the best seasons, \$30,000,000 a year will cover the exports and \$25,000,000 the imports—a total commerce in one year of about half the value of what we sell to foreign countries in a single month.

General Whittier further, before the Committee at Paris, cites from John Forman in *Contemporary Review*, June, 1899, as follows (Doc. 62, p. 496):

The islands are extraordinarily fertile and will produce almost anything to be found in the tropics. I estimate that barely one-fourth of the tillable land is now under cultivation. There is at present only one railway, of 120 miles. A number of lines would have to be constructed in Luzon, Panay, Negros, Cebu, and Mindanao islands. Companies will probably take up the contract of ninety years working concessions, and ninety-nine years lease of acres in lieu of guaranteed interest. The lands would become immensely valuable to the railroad companies and an enormous source of taxable wealth to the protectorate. Road making should be taken up on treasury account and bridge construction on contract, to be paid for by toll companies; the port of Iloilo should be improved, the customhouses abolished, and about ten free ports opened to the world.

Under the protectorate undoubtedly capital would flow into the Philippines. The coal beds in Luzon and Cebu islands would be opened out; the marble deposits of Montaban and stone quarries of Angono (both near Manila) will surely be worked.

That the Philippines present an opening for a field of exploitation by capital under certain political conditions is undoubtedly true. But what opportunities do they offer to the great masses of the American people who are without capital, and have simply strength, courage and energy?

It appears that all outdoor manual work, especially in the agricultural line, or in that form of toil demanded to develop the mineral resources, the forest, and the building of railroads and the like, necessarily must be done by native labor—mostly by Chinese coolie labor. The latter are to-day, in fact, the main reliance in that region in all branches of unskilled employment. As expressed in the testimony of General Whittier before the American Peace Commissioners at Paris, it is said (Doc. 62, p. 509) as follows: "Cheap labor, and plenty of it, is the life-blood of the Philippines. There is room for three or four millions of Chinese comfortably, while ninety thousand is the present estimate." The white immigrant who takes there solely a stout heart and hands calloused by toil will seek in vain for work and bread.

Unquestionably expansion in the Philippines offers no advantages to the millions of our fellow-countrymen who here have to work to live, and who live to work. Those who here dream of owning a farm of a few acres and are unable to obtain such a home in this country, where the average population to a square mile is about twenty persons, certainly can not hope to better their condition by going to a land which, in the inhabitable portion of the same, has a population of from one to two hundred persons per square mile, as in the Philippines.

The development of these islands must be brought about, and will be brought about, if it is to be done at all by white men, by great landed proprietors and syndicates, who will there obtain large areas and employ thereon Chinese labor suitable for that climate and available for the method there to be pursued.

The capacities of the soil and the variety of products to be produced are doubtless very great. But the great staples, besides hemp, will be sugar, tobacco, rice and cotton—products that by cheap labor will be raised in direct and crushing competition with the production of the same great staples in our own country.

Combines and syndicates will there pursue the same methods of land-grabbing and of exploiting labor in the Philippines that are already maintained in this country—and along the same



lines, as far as labor is concerned, as have converted the Hawaiian Islands into a veritable slave-pen.

This is the hope that expansion in the Philippines holds out to the small agriculturist and the farm-laborer of this country. Syndicates will own the land and trusts will control the products of these isles. Combines will exploit the mines, the forests; and subsidized steamship lines will carry the commerce. Monopolies will secure the franchises; and railroad land-grants will possess the most valuable areas. Corporate greed will wallow in wealth in the Philippines—and that is what “benevolent assimilation” means to the natives of that Archipelago and to the laboring masses of our own land. Under present monopolistic conditions no other outcome can be expected—and indeed that is the inspiring motive behind the scheme of philanthropy outlined in the proclamation of the present Administration. Imperialism of industry is inevitable there—and is not far distant here, if an alien possession by the American nation is to be maintained there.

All these facts are apparent on the very face of the record already submitted to Congress. They are plainly set out in Document 62 and in the report of the Philippine Commission herein cited. They are a part of the purpose that is being pursued, whether blindly or willingly, by an Administration that is entirely under the control of the forces of monopoly.

## THE PHILIPPINE PEOPLE—THEIR HISTORY, CHARACTERISTICS AND CUSTOMS.

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The Administration seeks to impose upon the Philippine people "without their consent" a government of aliens, by aliens, and largely for the benefit of those aliens. This attempt is carried on in the name of philanthropy. If it be assumed that within the breast of the President glows the constant purpose of benevolence, it is undeniable, at any rate, that the forces of monopolistic greed are marshaled behind him, eager to possess the land and exploit the resources of the Philippine people.

"In the fulfillment of this high mission," runs the President's proclamation of December 21, 1898, "supporting the temporary administration of affairs for the greatest good of the governed, there must be sedulously maintained the strong arm of authority to repress disturbance and to overcome all obstacles to the bestowal of blessings of good and stable government upon the people of the Philippine Islands under the free flag of the United States."

Cross in one hand and sword in the other, under the banner of Spain, nearly four centuries ago, Ferdinand Magellan set foot upon the Philippine Isles, and issued his proclamation of "benevolent assimilation"—and proceeded to put down anarchy in the Archipelago. The simple-minded natives received him hospitably at first, but when the fulness of the plan of salvation dawned upon them they revolted—and uncoffined Ferdinand sank into the depths of a Philippine morass.

In point of fact, it appears that there was no anarchy there. The people had forms of government and tribal relations adapted to their needs, and were not hankering after an alien sovereignty. They were working their way up through the slow processes of evolution along the only lines that nature tolerates.

The mistake of man is, and ever has been, in the assumption of one race or civilization to rule or shape the destinies of some other race. In the development of humanity, in every clime, and in every region, appears some special people peculiarly adapted for the habitat in which they are established.

Greed for conquest and for possession of foreign lands has written the pages of history in blood. "Not for conquest, but for duty," is the announcement of the President's proclamation to the Philippine people. "To save souls is our mission," declares Ferdinand. Death and destruction in each case were the consequences.

The Administration has taken upon itself the sponsorship of the Philippine people. Who are they, and who are we that assume this thing? What constitutes the difference—is it a matter of skin color? They are men; and the instincts and passions of mankind are, and always have been, the same the world over. "Created of one blood;" from that belief come the ideal of brotherhood and the facts of evolution.

The development of individual and national character comes by growth, and the slow-moving centuries are but moments in the cycle of progress. Character and strength and higher aspirations can not be impressed upon a man or a race from without. That evolution comes from within, and expands only in the sunlight of liberty.

No race has ever yet by force of arms or legislation improved a different race. As a rule, all experiments to that end have resulted in the destruction of native virtues and the instillation in the weaker of the vices of the governing race. Foreign domination is always repressive, however beneficial its aspects. It destroys independence of character and creates servility. It breeds a race of slaves. It is doubtful if England has ever benefited the races she holds in subjection as regards the development of individual character—and even in externals, the slow starvation of sixty million of her subjects in India to-day gives no proof of the boasted ability of Anglo-Saxon government to lessen human misery there. That starvation is largely created by monopoly—a condition unknown in ruder civilizations.

The white race has never improved the red race, although here in our own land it has practically destroyed it. The contact by governmental control of the white and yellow races has only brought misery to both. It is not to be assumed that the white can, even in this age, dominate the brown race—or a mixture of both brown and yellow races—to the advantage of either.

And yet that is practically the proposition placed before the American people, growing out of the purpose entertained by the Administration.

Who are the Filipinos? What is their civilization, and their traits, and customs—as placed before Congress in Document 62 and the Report of the Philippine Commission, Vol. I? It will be of interest to look into these matters—dropping all psalm singing and aspirations for “burden-bearing” meanwhile.

The following outline statement and memorandum, submitted to the American Peace Commissioners at Paris by Major-General Greene, concerning the Philippine people, will serve as an introduction to the testimony there given by other witnesses (Doc. 62, pp. 404-406):

Memorandum concerning the situation in the Philippines on August 30, 1898, by F. V. Greene, Major-General of Volunteers, and accompanying papers (Washington, September 30, 1898), the Philippine Islands. These islands, including the Ladrões, Carolines and Palaos, which are all under the government of Manila, are variously estimated from 1,200 to 1,800 in number. The greater portions of these are small and are of no more value than the islands of the coast of Alaska. The important islands are less than a dozen in number, and 90 per cent of the Christian population live on Luzon and the five principal islands of the Visayas group.

The total population is between five and eight millions. This includes the wild tribes of the mountains of Luzon, and of the islands in the extreme south. The last census taken by the Spanish government was on December 31, 1887, and this stated the Christian population to be 6,000,000 in round numbers. This is distributed as follows:

Islands.	Area.	Population.	Per Square Mile.
Luzon .....	44,400	3,426,000	79
Panay .....	4,700	735,000	155
Zebu .....	2,400	504,000	210
Leyte .....	3,800	270,000	71
Bohol .....	1,300	245,000	188
Negros .....	3,300	242,000	73
Total .....	59,800	5,422,000	91

The density of population in these six islands is nearly 50 per cent greater than in Illinois and Indiana (census of 1890), greater than in Spain, about one-half as great as in France, and one-third as great as in Japan and China, the exact figures being as follows:

	Area.	Population.	Per Square Mile.
Illinois .....	56,000	3,826,351	68
Indiana .....	35,910	2,192,404	61
	91,910	6,018,755	64
Spain .....	197,670	17,565,632	88
France .....	204,092	38,517,975	189
Japan .....	147,655	42,270,620	286
China .....	1,312,328	383,253,029	292

The next most important islands in the order of population are:

Islands.	Area.	Population.	Per Square Mile.
Mindanao .....	34,000	209,000	6
Samar .....	4,800	186,000	38
Mondoro .....	4,000	67,000	17
Romblon .....	600	35,000	58
Nasbate .....	1,400	21,000	15
Total .....	44,800	518,000	11

Various smaller islands, including the Carolines, Ladrões and Palaos, carry the total area and Christian population to: Area, 140,000; population, 6,000,000; per mile, 43.

This is considerably greater than the density of population in the States east of the Rocky Mountains. Owing to the existence of mountain ranges in all the islands and lack of communication in the interior, only a small part of the surface is inhabited. In many provinces the density of population exceeds 200 per square mile, or greater than that of any of the United States, except Massachusetts and Rhode Island. The total area of the Philippines is about the same as that of Japan, but its civilized population is only one-seventh.

In addition to the Christian population it is estimated (in Official Guide) that the islands contain the following:

Chinese (principally Manila) .....	75,000
Moors or Mohammedans, in Paragan and Jolo .....	100,000
Moors or Mohammedans, in Mindanao or Basalan .....	209,000
Heathens in the Philippines .....	830,000
Heathens in the Carolines and Palaos .....	50,000
Total .....	1,264,000

The Official Guide gives a list of more than thirty different races, each speaking a different dialect. Five-sixth of the Christian population are either Tagalos or Visayas. All the races are of the Malay type. Around Manila there has been some mixture of Chinese and Spanish blood with that of the natives, resulting in Mestizos or half-breeds, but the number of these is not very great.

As seen in the provinces of Cavite and Manila, the natives (Tagalos) are of small stature, averaging probably 5 feet 4 inches in height, and 120 pounds in weight for the women. Their skin is coppery-brown, somewhat darker than that of a mulatto. They seem to be industrious and hard working, although less so than the Chinese. (Id., p. 420.) The men are of small stature and weigh from 110 to 130 pounds. Compared with them our men from Colorado and California seem like a race of giants.

By the Spaniards they are considered indolent, crafty, untruthful, treacherous, cowardly and cruel, but the hatred between the Spaniard and the native races is so intense and bitter that the Spanish opinion of the natives is of little or no value. To us they seem industrious and docile, but there were occasionally evidences of deceit and untruthfulness in their dealings with us. The bulk of the population is engaged in agriculture, and there is hardly any evidence of manufacture, arts, or mining. The greater number seem to be able to read and write, but I have been unable to obtain any exact figures on this subject. They are all devout Catholics, although they hate the monastic orders.

In Manila, and doubtless also in Cebu and Iloilo, are many thousands of educated natives, who are merchants, lawyers, doctors and priests. They are well informed and have accumulated property. They have

not traveled much, but there is said to be quite a numerous colony of rich Filipinos in Madrid, as well as in Paris and London. The bibliography of the Philippines is said to number 4,500 volumes, the greater part of which have been written by Spanish priests and missionaries. The number of books on the subject in the English language is probably less than a dozen.

Concerning the Philippine people General Whittier testified before the American Commissioners at Paris (Doc. 62, pp. 501-2) as follows:

I believe the natives to be brave (under good leadership), most tolerant of fatigue and hunger, and amenable to command and discipline, if justice and fair dealing rule. They are very temperate, as most natives of the East are. I have never seen a drunk one, and this with the example of our soldiers, whom they imitate in everything else; very quiet, no loud quarrels, very good house servants and cooks.

Their skill in trades, occupations, and professions is very great. Critics will call this imitation, but imitation of good things is not reprehensible. I refer now to the common people, and so will omit variable lawyers (one or two having ranked as the best of all nationalities in the Philippines) and the higher professions.

As accountants they are excellent. In the customhouse sixty (more before) were employed during my administration. Any information desired, say the amount of imports and exports last year, kind of articles, whence obtained and where going, duties, etc., was sought from them, and the reply was given in writing in a neat, satisfactory manner. All the cash was received by a native—\$1,020,000 from August 22d to October 21st, much of this in silver—all counterfeits and filled dollars were detected at once by his skill, and only \$1 was returned to us from the banks. His neighbor, who kept a record of receipts, was most systematic and able. The Spaniards depended absolutely on them for the clerical work of the office, and the same in the other departments.

I visited three factories for the manufacture of cigars and cigarettes: First, that of H. J. Andrews & Company, where 150 to 200 natives were employed; second, the Alhambra, which had 300 in April, now 600; third, the Insular, with 2,000. The Tabacallera, largely owned in Paris, I was unable to see; it has 4,000. These working people seem to me of the best, quiet, diligent, skillful. The same qualities were apparent in the one cotton mill of the place, where at least 200 were employed.

As mariners, quartermasters of large boats, and managers of small ones, their skill has been proverbial over the East for years, and we had great opportunities during our three weeks in the bay of proving their ability and cleverness.

Manila straw hats have been famous for years, also pina cloth and jusi cloth, the former made of pine-apple fiber and the latter made of pineapple fiber and hemp.

The stationmasters and employees of the Manila Railway Company compare favorably with any I have ever seen at ordinary way stations. Clean, neat, prompt, well-disciplined, their superiority is largely due to excellence of the general manager, Mr. Higgins, a man of great ability. Still the quality is in the men. The three servants in his house (on the line) have all learned telegraphing by observation and imitating. I have also some fine samples of their embroidery.

They are admittedly extraordinary musicians, and their orchestras and bands have found places all over the East, playing without notes

with great harmony and sweetness. It seems to be instinct, and is all instrumental, with little or no vocal talent. All these accomplishments do not argue greatness, but they do show that they are something more than ignorant, brutal savages.

I do not mean to ascribe to them all the virtues; they may be liars and thieves. It is a wonder they are not worse after the environment and example of centuries, but to my mind they are the best of any barbaric or uncivilized race I have ever seen, and open, I trust, to a wonderful development.

Mr. GRAY: Q. Is Mr. Higgins an Englishman or an American?—A. An Englishman. The railroad is an English one.

General Merriitt, when before the Peace Commission at Paris, handed into the Commission a communication from Rear Admiral Dewey, bearing date August 28, 1898, at Manila. In that communication Admiral Dewey said: "Luzon is in almost all respects the most desirable of these islands, and therefore the one to retain." Also, in that communication Admiral Dewey stated as follows: "In a telegram sent to the department on June 23d, I expressed the opinion, 'these people are far superior in their intelligence and more capable of self-government than the natives of Cuba, and I am familiar with both races.' Further intercourse with them has confirmed me in that opinion." (Doc. 62, p. 383.)

The following statements regarding the Tagals are taken from the paper submitted to the Paris Peace Commission by Frederic H. Sawyer, member Institute Civil Engineers. Mr. Sawyer was acting British consul for the Philippines in 1885, and resided in Luzon for fourteen years (Doc. 62, pp. 552-3):

The question whether or not to annex the Philippines is exciting much interest in the United States, especially since the surrender of Manila.

Little is known of the Archipelago, either in England or in America. In fact, before the war only those interested in the islands could say where the group is situated.

I resided in Luzon for fourteen years, visiting all the central and southern provinces, and made trips to Mindora, Iloilo, Cebu, Palawan and Calamianes.

My profession as a colonial engineer brought me into contact with all classes of the community, from the landowner to the laborers and mechanics who worked under my direction.

The most important race in the Archipelago is the Tagal, or the Tagaloc, inhabiting Manila and the central provinces of Luzon, and as my long experience of them is extremely favorable, I am loath to see them described as they have been, as ferocious savages, intent on bloodshed.

The Tagal, as I knew him, possesses a good deal of self-respect, and is of a calm and quiet demeanor. On great provocation, he is liable to give way to sudden bursts of fury, in which condition he is very dangerous. But in general he shows great docility and bears no malice if justly punished. He is fairly industrious, and sometimes is very hard working. Anyone who has seen him poling barges against the current of the Pasig will admit this. He is a sportsman, and will

readily put his money on his favorite horse or gamecock. He is also prone to other forms of gambling. He rarely gives way to intemperance.

The position held by women in a community is often taken as a test of its degree of civilization.

Among the Tagals, the wife exerts great influence in the family, and the husband rarely completes any important business without her concurrence and approval.

Children show great respect to both parents, and come morning and evening to kiss their hands.

The houses of the well-to-do natives are large and airy, and are kept scrupulously clean. The Tagal in general is hospitable, and according to his means, keeps open house on feast days and family festivals.

As one who has enjoyed their hospitality on many occasions when traveling in the provinces, I can testify to their kindness and liberality.

The Tagal makes a good soldier; he can march long distances barefooted and find food in the forest where European soldiers would starve.

In action, his officer has more trouble to hold him in than to urge him on.

As sailors the Tagals are unsurpassed in the East. They navigate their coasting crafts, schooners and "lorchas" with much skill; they serve as sailors and firemen in the fine flotilla of coasting steamers belonging to Manila, and they man all the smaller vessels of the Spanish navy in the Philippines. Most of the British and foreign steamers in the far East carry four Manila men as quartermasters. They are reputed skillful and trustworthy helmsmen.

Their ability as mechanics is remarkable. They build excellent coasting vessels, brigantines, schooners, and lorchas; also "cascos" and other craft for inland navigation or shallow waters; these vessels are most ingeniously contrived and admirably adapted to the conditions under which they are to be used. They make the most graceful canoes, and paddle or punt them with remarkable dexterity.

In Manila and Cavite are to be found numbers of native engine-fitters, turners, smiths and boilermakers, as well as quarrymen, stone masons, carpenters, bricklayers and brickmakers.

Excellent carriages are built in Manila entirely by native laborers. An incredible number of carriages and other vehicles are in use there.

Painting and decorating is executed by Manila men in excellent style. They learn this art from Italian painters.

The Tagal is a good fisherman and is very much at home at this work, using many ingenious traps and nets. Fish of all sorts and sizes abound in the Bay of Manila.

Perhaps the most remarkable talent of the Tagal is his gift for instrumental music. Each parish has its brass band, supplied with European instruments and generally wearing a uniform. If the village is a rich one, there is usually a string band in addition. These bands perform operatic and dance music with the greatest precision, and their services at balls and other entertainments can be obtained at a moderate cost. Dancing is a favorite amusement among the natives and half-casts, and they dance, in the European manner, waltzes, polkas and the old-fashioned rigadon. The brilliant dresses of the native women produce a fine effect in a well-lighted ballroom. The Grand Duke Alexis thought the ball given him by Don Joaquin Arnedo Cruz at Sulipan one of the most brilliant sights he had ever seen.

The paper continues at length, reviewing the cause of the insurrections against the Spanish Government, arising, as there



shown, in the abuses of that administration. Concerning the struggle of the people against the Spanish rule, the paper has the following:

Who can wonder at it? With that horde of hungry tax gatherers ever vexing them, with all justice denied them, with exile from their homes to some distant land ever hanging over them, what else could they do? Their fight almost unarmed against the Spaniards was heroic and merits the admiration of all brave men. With few exceptions, their humanity has been equal to their valor.

An article by Walter Cummings, entitled "Life in Manila," is embodied in Document 62, and from which (p. 575) the following description is taken:

To a lover of music Manila is a charming place. The natives have wonderful musical talent, and there were numerous bands. Those of the three regiments then stationed there were remarkably good, and four afternoons each week they played in turns on the Lunetta, a sort of plaza on the shores of the bay, just outside the old walls. I recall vividly the open air concert by 300 instruments, given in honor of Prince Oscar, of Sweden. The glorious full moon of the tropics, far brighter than in more northern lands, shining on the quiet waters of the bay, the innumerable lights, the brilliantly dressed crowd, and the thrilling music of the mighty band, softened in volume on the great plain, combined to make it an occasion to be long remembered. The "Battle of Castellejos," which they played, was inspiring, and the effect was heightened by the repetition of the trumpet calls by soldiers, who were stationed at intervals far upon the plains, while the guns on the city walls added a touch of reality.

In a further description of Manila the writer speaks of the violence of the down-pouring rains and how, after a storm of a few hours' duration, he has been paddled through the streets to his office in a canoe.

The Report of the Philippine Commission, Vol. I, contains an account of the inhabitants of the islands, the total number of which is there "estimated at all the way from 6,000,000 to 12,000,000." (Their own guess as to the number is 8,000,000.) It is a remarkable fact that any commission of five sane men, after a brief visit of a few weeks to unknown islands in far-off seas, and after making such a statement as the above concerning the number of inhabitants there living, should have the nerve to report to the American Congress a plan of government for the same—going into details, suggesting a form of constitution, civil service, and all the "frills" of modern civilization in one brief pamphlet.

The Commissioners report (Report Phil. Com., Vol. I, p. 11) that the inhabitants of the Philippines "belong to three sharply distinct races—the Negrito race, the Indonesian race, and the Malayan race." The Negrito race, numbering 25,000 in the

entire Archipelago, they state, are the disappearing remnants of the aboriginal race and are doomed to extinction.

They state that the Indonesian race is confined to the Island of Mindanao, and that it numbers about 250,000 people.

They are tall and well developed, with high foreheads, aquiline noses, wavy hair, and often with abundant beards. The color of their skin is quite light. Many of them are very clever and intelligent. None of the tribes have been Christianized. Some of them have grown extremely fierce and warlike, as the result of their long struggle with hostile Malayan peoples. Others, more happy in their surroundings, are pacific and industrious.

The Malayan race, as estimated by the Commissioners, in numbers 7,700,000, comprise the remainder of the population of the Archipelago. Of these, some 200,000 are the subjects of our new ally and friend, the Sultan of Sulu. These gentlemen are not particular about the number of their wives, and consequently, under the ruling in the Roberts case, are not eligible as members of Congress. But they have a treaty with us—which is more than Aguinaldo and the Philippine people could get from this Administration.

The remainder of the Malayan race, 7,500,000 people, are divided into two great representative races, of which the Tagals number some 1,663,000, and the Visayas some 2,600,000. These Malaysians are all, as the report states, possessed of a "considerable degree of civilization."

Precisely what the Commission mean by the expression "considerable degree of civilization" is not apparent; but in their report they presented some facts which they had gleaned in the general "round up" of the Archipelago, concerning the educational facilities open to the people there—a review of which is here appended.

#### PART III.—EDUCATION.

(Report Philippine Commission, Vol. I, pp. 17-42.)

In their report the Commissioners state that they took great pains to ascertain the state of educational work in the Philippines, and the prevalence of knowledge and the enlightenment of the masses. Extensive tables on this topic form a part of this report, giving details regarding the same. The Spanish regulations, they say, provided for primary schools among the common people, and that there should be one male and one female primary school teacher for each 5,000 inhabitants. The Commissioners found that these provisions were not always maintained in all localities, and that a revision in the course of primary instruction is urgently needed.

They found, however, numerous academies, colleges, schools of art, theological seminaries, etc., in the islands. The Dominican Friars and the Jesuit Fathers had maintained these institutions for many years.

There were also private Latin schools; in Manila twenty-five of these, and forty-four of these in the other parts of the Archipelago.

Secondary education for girls was provided for by colleges, and schools in charge of various religious orders, Sisters of Charity, etc.

There were also in Manila two normal schools for the education of male and female teachers, and in connection therewith a school of primary instruction, where scholars in the advanced courses gained practical experience in their future professions. Some of the institutions for higher education were highly endowed. There are schools of art, and of trades; school of agriculture, with agricultural stations established in the various parts of the island; nautical school in Manila; school of painting and sculpture; several theological seminaries; and a military academy.

As regards the capacity of the natives to acquire education, the report states (p. 40):

Considerable difference of opinion exists among Philippine educators on this point. The Dominican assured us that the native was dull in learning the languages, while the Jesuits considered him quick, especially in early youth. All agreed that mathematics were hard for him, but he made a good mechanic.

He possesses remarkable patience and great manual dexterity. He is a natural musician, and with his imaginative character has a liking for art, but he has thus far shown himself to be an imitator rather than a creator. A few men who have proved exceptions to this rule are said to have been Mestizos, or people of mixed blood.

University of San Tomas has graduated a number of men who have become very able lawyers. Several Filipinos have shown ability as chemists, and at least one was in a fair way to become a distinguished botanist, when his career was cut short by death.

The report further states (p. 41):

In view of the facts above set forth it must be admitted that the average native has never as yet had a fair opportunity to show what he can do. The attainments of some of his fellows who have had exceptional advantages have been such as to dispose the Commission to credit him with the ability of no mean order. He is at all events keenly alive to the drawbacks under which he has thus far labored and strongly desirous of securing better educational facilities.

On page 120 of the report, among the recommendations which the Commissioners submit regarding the Philippine government, they have this to say concerning the educational facilities which should be afforded the Filipino people:

Though the majority of the inhabitants are uneducated, they evince a strong desire to be instructed, and the example of Japan is with them a cherished ideal of the value of modern education. A system of free schools for the people—another American institution—it will be noted, has been an important element in every Philippine program of reforms. The educated Filipinos, though constituting a minority, are far more numerous than is generally supposed, and are scattered all over the Archipelago; and the Commission desires to bear the strongest testimony to the high range of their intelligence, and not only to their intellectual training, but also to their social refinement, as well as to the grace and charms of their personal character. These educated Filipinos, in a word, are the equals of the men one meets in the similar vocations—law, medicine, business, etc.—in Europe or America. It is scarcely an exaggeration that these Filipinos will be of infinite value to the United States in the work of establishing and maintaining the civil government in the Archipelago.

Lucy M. J. Garnett in the *Fortnightly Review*, July, 1898, discusses the domestic customs among the Filipinos. This article has also been made a part of the report of the Peace Commission. She says (Doc. 62, p. 599):

The Philippine laws relating to the property of married persons are exceedingly quaint and interesting, being entirely in favor of the wife. The property of a bride is never settled on the husband. If a man is poor, and his wife well-to-do, so they remain throughout their married life, he becoming simply the administrator of her possessions, but having no right to them. If a husband becomes bankrupt in a business in which he has invested some of his wife's fortune, she ranks as a second-class creditor under the commercial code. Even on her death, the husband can not, save under a deed executed by her in the presence of a notary, derive any benefit from her estate, as her children, if she have any, and if not, her nearest blood relatives, are her heirs. Thus it not unfrequently happens that the father of wealthy children is himself impecunious and dependent on their generosity for support, though at the same time he is compelled by law to manage their affairs while minors, and, at their majority, to render a strict account of their stewardship. \* \* \*

The writer also presents in that article (Doc. 62, pp. 596-7) at considerable length the domestic and social virtues and vices of the Tagals—which brings us close up to the heart of the man, as it were. It takes the critical eye of a woman to "size up" that side of man's nature, and the details given are well worth attention. She says:

The Tagals are of a markedly Malay type, having smooth black hair, prominent cheek bones, large, lively eyes and flattened noses with dilated nostrils. They are, as a rule, of low stature, slightly built, and of copper color, more or less dark. The absence of beard in the men gives them a juvenile appearance, even when middle aged, and their features generally are smooth, smiling and unworn.

Whatever may have been the original character of the Tagals, it has doubtless been greatly modified by their subjection to Spanish rule and equally so by their conversion to Christianity, and they now present such a strange compound of contradictory qualities that their moral portrait is difficult to depict. The character of the domesticated native is, indeed, a series of surprises. Those who take the

trouble to study him are every year led to some new conclusion. Perhaps it is best summed up in the words of one of their priests: "They are big children, whom we must treat as little ones." The Tagal's leading characteristics, however, doubtless depend less on himself than on natural laws. He is what his environment has made him. The old tribal customs, which had the good of the community for their aim, and constituted his primitive morality, are now, when not altogether forgotten, reserved for native intercourse, and the Tagal has no moral code to direct his dealings with his Spanish master save that which he himself has taught his servant. Before entering the palm-leaf hut of a friend he will spend fully three minutes in the interchange of courteous phrases, but he enters a European house without ceremony.

A Tagal keeps his word, and yet he is a liar. Anger he holds in horror. He compares it to madness and prefers it to drunkenness, which he also greatly despises. Insult and injustice he can not brook, and will unhesitatingly use the knife to avenge either. He will never willingly confess a fault, but lie to hide it; yet he receives a flogging for it without a murmur. Debt he considers rather an inconvenience than a calamity. When in pecuniary difficulties he will spend all his ready cash on a feast to his friends to keep up appearances, and he never thinks of returning a loan unsolicited. He, on the other hand, never repudiates his debts, but transmits them to his heirs, if at his death they remain unpaid. Misfortune he bears with stoical and fatalist indifference. Concerned only with his immediate necessities, he is apt to let the morrow take care of itself. Under the eye of a master he is the most tractable of beings, and will go without food for hours without complaint if supplied with betel nut to chew. He gives himself no airs as a servant, and if hired as a coachman he will raise no objection to being employed as cook, carpenter or boatman, being ready to turn his hand to anything. He has a profound respect for the elders of his family, treats his children kindly, and extends his aid and protection to every one claiming relationship, however remote.

When in the interior he is called upon to offer hospitality to strangers, he not only refuses to accept payment from them in return, but places at their disposal his ponies, vehicles and gun, and shows them every attention in his power. An intrepid climber and rider, he mounts the tall forest trees like a monkey, using feet and hands equally; he rides bareback the most spirited pony, plunges without hesitation into shark-infested waters, and dives into alligator-haunted lakes to attack their occupants. Endowed with courage of this description, he has the greatest admiration for bravery in others, and an equal contempt for cowardice. Under a leader in whom he has confidence, he makes an excellent soldier, but losing him, he becomes at once demoralized.

Gambling may be said to be the one vice of the Philippine Islander, and takes chiefly the form of cockfighting—more ruinous for him than the earthquakes and cyclones by which his home is occasionally devastated. With the Tagal, even more than with the Malay, generally, this pastime is a passion pushed to the extreme. In every native hut, in every craft floating on the Pasig, a cock is to be found undergoing training as careful as that bestowed in the West on a race-horse, though, perhaps, to perish on its first appearance in the lists. A native at leisure is seldom seen without his gamecock, a pretty creature, not much larger than a bantam, which he carries under his arm; and should his house take fire, his first thought is his favorite, which having secured, he leaves the rest to fate. Cockfights are held regularly on Sundays and festivals, and in Manila on one day in the week as well; and the laws regulating them, which contain as many

as a hundred clauses, are very strict. The spectators stand or squat on their heels—the favorite native posture—on a sloping floor, at the foot of which are the lists. The maximum stake is \$50, and one spur only is allowed to each cock. The Chinaman, who forms the “gallera,” collects the bets, which, relatively to the wealth of the company, are enormous, Tagals of the poorest class often staking from \$3 to \$4 and going supperless to bed in consequence.

It is noticeable that in the eyes of the military men who testified before the American Commissioners at Paris, the first and foremost virtue by them ascribed to the Filipino was the fact that he, under wise leadership, was excellent material out of which to make “the good soldier.” From the records as set forth by Lucy M. Garnett and these military gentlemen, he thus stands forth for the examination of the student with the calcium light of woman’s instinct and observation, and with the noontide glare of military criticism both turned full upon him—heaven help him—and heaven help us who here in the West presume to judge him! Let the light be turned on all, the white and the brown alike, before judgment is rendered!



## THE FILIPINO AND THE PHARISEE—MORAL PROBLEMS— THE FRIARS AND THE "DEAD HAND."

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The Filipino is not the highest type of man—neither is he the lowest. There is mingled in his veins the instincts and passions and aspirations of numerous races and varied inheritances. He has his virtues, which are not few; and he has his vices which are undoubtedly many.

But he possesses the three great uplifting humanities of life that we possess—and in no less degree. He loves and seeks liberty; he loves his family and home; and he loves his fellows and his own land. These fundamental instincts have raised our own race from barbarism to the measure of civilization which we enjoy.

What is there in our own boasted civilization that proves our capacity to forcibly change him for the better? Nature gives men and races power to work upward into new conditions of life—but she never lifts them by force to that state. The stronger and wiser can sometimes point out the better way, but he can never by alien legislation compel the "weaker brother" to tread the rugged paths to the heights above. It must be climbed slowly, painfully, maybe; but voluntarily always, and by self-strength and inward striving. Beyond us are summits as yet unattained by our own proud civilization.

It is undoubtedly true, for instance, that the Filipino delights in cock-fighting—and that the New England Sabbath is unknown in the Archipelago. On Sunday mornings he and his wife and little ones, scrupulously neat in fresh, clean garments, go to church. But in the cool of the day he takes the game-cock in his arms and, again followed by wife and children, seeks the village plaza. There he sets chanticleer down in the pit, and the latter crows forth defiance to all his kind. Likewise, the Filipino calls upon his fellows to produce a better game-cock in all that village. Another champion is brought out and each owner bets his last "peseta" upon his own bird. The instinct to fight is in the blood of the fowl; and the instinct to bet runs riot in the veins of the Filipino. His wife and babies are also

eager participants in the hopes and pleasures of the sport. The fight begins—and the sunlight of heaven shines upon all.

This is all wrong, to be sure; contrary to the statute made and provided in our own country. When our Member of Congress or ex-governor goes to a cock-fight he steals away by night to some dingy, half-lighted basement, and bets his dollars like a white man. If he wins his wife knows by the all-pervading joy of his pungent breath when he arrives home that he has not been to prayer meeting that evening—but that is all she knows. If he loses gloom settles down upon that household, and she, sympathetic soul, longs to share his troubles—if he would only tell her about it, but, on your life, he never will tell.

When the Filipino wins, on the contrary, in his humble home that night vibrates the harp and sounds the horn, and wife and children, young and old, and all the neighbors join in the dance of celebration. If the fight is lost, homeward goes the Filipino like a philosopher, bent on raising a better game-cock next time; and in that hope and undertaking wife and children unite.

The Filipino cock-fighting ought to be stopped—if it takes all the armies and navies of the United States to do it! Meanwhile, what are the odds on Corbett, and what are the Sharkey chances?

We are not, like the Filipinos, a nation of gamblers—for sport. We tend strictly to business, and our grain-pits and stock exchanges are the most gigantic gambling hells the world has ever known. From those chambers of greed and avarice into every corner of our land run the telegraph wires, and the ready tape and ticker stand accessible on all week days, at least.

The Filipino is so low and degraded that he won't get drunk. It appears by the testimony submitted that he is beastly sober all the time. He will learn better, doubtless, in due time, after "benevolent assimilation" has taken effect under the President's proclamation.

The report of the Philippine Commission shows, however, that in that tropic land the ardent impulses of love are not kept within the severe restraints of Anglo-Saxon morality. It was suggested in the report of the Commission that a graduated license system regulating the "social evil," and affording a source of revenue, might be maintained in the islands under the "free flag of the United States."

From the consideration of Philippine morals to the consideration of the religion of the Filipino people, is but a step. But that step, if taken, will bring into vision that debatable land that



has for its boundaries the lurid gulf and the happy heights. A profitless discussion, not here to be entered upon.

Suffice it to say that a comparison between the religious condition of the Filipino people and the people of the United States, on its face, would not redound to the credit of the latter. A considerable share of the people of this country are practically heathens; that is, they are non-churchgoers, skeptics, agnostics—"brands fit for the burning," as it were, considered from the standpoint of Christian belief.

The Filipinos, on the other hand, are all devoutly religious; the large share of them being devout Christians, and the rest devout Mohammedans. There is religion enough, in other words, in the Archipelago to supply everybody. There is not enough here in this country to reach—except in occasional oasis-like spots—beyond the Mississippi River. We are "short" of the means of salvation and of spiritual elevation—and what share we have is divided into a multitude of contending sects and beliefs.

In the Philippines, on the contrary, the Christian population are all members and communicants of that great church that has been the most potent factor in the history of the Christian world for the past fifteen centuries, and which has been established in the Philippines for nearly four hundred years.

The statements and testimony set forth in Document 62 and the report of the Philippine Commission, not practicable to present at length in the limits of this review, all concur in the fact that the Filipino people are to a high degree amenable and influenced by the teachings of the church there established; and have for their native priests and religious teachers a great respect and reverence. But it is also shown thereby that great abuses and impositions and tyrannies have crept into that organization by means of alien monastic orders, generally known by the name here of "the Friars;" who have largely been the cause of the revolts and revolutions carried on in the islands against the Spanish Government.

These orders have to a great extent got possession of the most desirable lands in the Archipelago; and by means of such possession, and by certain connection of church and state there maintained, have ground down the masses beyond endurance. There is, accordingly, an universal demand for their expulsion from any control of the government, and the return to the people of such lands held under ecclesiastic monopolism.

The condition of affairs in the islands is similar to that which in the days of Elizabeth occasioned the passing of the laws known as the "Statutes of Mortmain," seeking to dispossess the church there established from holding in the "dead hand" the rich and magnificent realty of England; or from acquiring title to the same in the future. This great struggle in the British Islands engrafted policies in our own laws that are regarded with great approval by the courts and people here—and which it could hardly be imagined would ever be forgotten or disregarded by our own Government in its dealings with any other people.

And yet, strange to say, with a blindness which is inconceivable, the present Administration, in view of all the facts of Anglo-Saxon history, and with full knowledge of the tyrannies upheld by ecclesiastic monopolism in the Philippines by reason of improper and unrighteous claim and possession of vast areas of lands there, and of the bitter and undying struggle of the people against the continued holding of the same by such corporations, has practically confirmed such titles and holdings by Article VIII of the Treaty of Peace with Spain.

This unnecessary gratuity presented by the insertion of Article VIII in the treaty by the Administration, can not be viewed as a concession made to the benign influence of that great church established in the islands. On the contrary, the testimony set forth in the reports shows that under the cloak of religion alien and immoral friars have illegally got possession of these lands, and are using the same for the purposes of greed and oppression against the people everywhere.

The treaty renders it practically impossible for the land to be regained by the people through litigation in the courts. Indeed, the Commission in their report recommend as the only practicable way of restoring to the people the land of which they have been despoiled, that the state purchase the same from the powers that unlawfully hold them (Report of the Phil. Com., Vol. I, p. 131). Back of this Article VIII in the treaty is a colossal land speculation whereby the alien friars are to be enriched, and foreign syndicates are to secure the choicest lands in the Archipelago. And thus, through a happy mingling of morals and warfare, bloodshed and land-stealing, is to be carried on the process of "benevolent assimilation" in the Philippines.

## ASIATIC VICTORIES AND JOHN BULL'S ADVICE.

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The sinking of the Spanish fleet in Manila Bay did not at first seem to impress any of the American people with the idea that this purely naval encounter was in any way a conquest of Asiatic soil, or that it meant the entrance of the American Government into the arena of Eastern strifes, diplomacy, or warfare. That the United States of America would hold colonies in Asia—colonies with millions of inhabitants, who would be not citizens of the Union, but mere subjects or vassals—was not to be imagined by any American at that time. Even our alert Consul Pratt, then at Singapore, did not in any noonday siesta dream of such a contingency. The following excerpt of Consul Pratt's historic correspondence with the State Department at Washington has been heretofore reserved for presentation, out of order, to be sure, in point of date, but with the well-meant intention to give it the prominence by the present setting forth that it deserves.

It seems, however, that the British press was instantly alive to the importance of Brother Jonathan's "putting his foot in it" there in the Philippines, and advice by John Bull was everywhere tendered to our Government upon that subject. The following correspondence of Consul Pratt, enclosing the editorial of the London Spectator and the comments thereon of Mr. Bray, illustrate the view at that time held by Consul Pratt regarding "what to do with the Philippines," and clearly indicates that to his mind the advice of Mr. Bray was wiser than that of the Spectator. John Bull's advice, however, seems to have had the most weight with the present Administration—and it was certainly "English," and therefore in "good form." It will be observed that thus early in the day the English journal observes that the "Constitutional difficulty is all rubbish," and that "universal suffrage" is also not to be considered. The striking harmony between British theories of American Constitutional and fundamental law and Administrative constructions of the same of late is noticeable (Doc. 62, p. 347):

## MR. PRATT TO MR. DAY.

(No. 228.) Consulate General of the United States,

Singapore, June 8, 1898.

Sir: I have the honor to submit an article from the London Spectator, which was reproduced in the Singapore Free Press of yesterday, and a reply thereto published to-day in the same paper, which last, I think, is deserving of special consideration as being the expression of opinion of Mr. H. W. Bray, one of the best authorities on the Philippines and the Filipinos.

I have the honor to be, etc.,

E. SPENCER PRATT,  
U. S. Consul General.

The following extracts from the first letter mentioned in the communication of Mr. Pratt to Mr. Day (No. 228) are here presented (Doc. 62, pp. 348-9):

America, it is said, will not keep the islands; and if they are to be sold, either for money or for territory, to whom are they to go? Their possession might disturb the balance of power in the Far East. England, it is said, must not have them, because she has already too much; Germany, because her designs upon China would thereby be facilitated; Russia, because she would be too near Australia, and France, because she may choose in the next war to act as Russia's obedient ally. Japan, as a Pagan power, is out of the question, when two and a half millions of Christians have to be disposed of; and it is very doubtful whether Holland would undertake the laborious task of reducing the Philippines to order. These arguments and many like them will be urged on the Americans by the Chancelleries of Europe, which are already twittering with excitement and putting out little feelers, and looking at Manila like children at a cake which they want badly, but think it decorous not to ask for or see.

We think the Americans will keep the Philippines; we hope they will, most heartily, and we think that they have the means of doing so with little trouble to themselves.

Asserting that the United States would build a mighty navy, the article continues: That fleet once built, the desire for a position in the world equal to their position among nations, for islands as coaling stations, for posts of vantage, if Europe threatens them, will induce, or indeed, compel them to give up their idea of non-intervention, which already, as we see, has given way the moment their deeper emotions are stirred.

Already before the war has well begun, they are threatening Cuba, Porto Rico, Hawaii and the Philippines, and soon as it is over and the fleet built, they will open the Nicaragua Canal, claiming the right of free passage through it for their battleships, and change their Monroe Doctrine into a direct and effective protectorate of the two Americas. They will, we believe, from the first, hesitate to give up the Philippines, partly because the islands provide admirable stations for their fleet, but chiefly because they are determined that China, which is their biggest natural foreign market, shall not be closed to their trade. They must be ready to strike, if need be, on the Chinese coast, and to strike hard; and seeing that, they will not give up islands which offer them impregnable defenses for their dockyards, their coal vaults, and their arsenals. To retain them is of course, to give up their traditional policy of non-interference of the politics of the world; but we confess we have not much faith in self-denying politics of that kind. To shake an ancient European throne is surely interference with Europe of a definite kind, and they are doing that already. The

people of the United States have not realized their new position yet, but when they do, we shall hear, we feel confident, much less of non-intervention.

We think America will keep the Philippines, and we heartily hope it. She will govern them well enough, much better than any power except ourselves, and we have more of the world's surface than we can well manage. \* \* \* The envy it will excite is already too great, and the strain upon the mental power of those who govern is already excessive, so excessive that we fear there is already a faltering at the center of affairs, produced not by timidity, but by a just sense that for England to do anything anywhere is to stir the water which envelopes the world, and drive a wave upon some coast it is not intended to attack.

It would be a relief if another English-speaking power would take up a portion of our task, and in taking it, perform the duty of repaying something to the world which yields her such advantages. The "weary Titan," in fact, needs an ally while traversing "the too vast orb of his fate," and the only ally whose aspirations, ideas and language are like his own is the great American people.

We hope the Americans will keep the Philippines, and that they can keep them we have no doubt whatever. Europe, to put the truth in its most brutal form, can not attack them without our permission, and the constitutional difficulty is all rubbish, as Congress can make laws for territories, or declare the islands to be held, like Bosnia, as lands "in temporary military occupation" of the United States. The Americans are not governing Manila through the universal suffrage of the Tagals, and need not therefore so govern it to-morrow, while as to the means of holding the islands they have a resource of which no one has spoken hitherto, but to which, as an instrument of power, there is hardly a limit. (The article follows by showing the possibility of sending colored troops from the United States to hold the Philippines by military force.)

The enclosure number two of Mr. Pratt's letter (No. 228) contains the letter of Mr. H. W. Bray, published in the Singapore Free Press, June 8, 1898, mentioned above, from which the following extracts are made (Doc. 62, pp. 349-350):

The possession of Manila no more means the possession of the Philippines than the possession of New York means the possession of America, and without this good will and assistance of the inhabitants, I must beg leave to state that neither the United States nor any other nation could ever hope to take the Philippines, except with an army of 200,000 men or more, if even then, no matter what theorists may say to the contrary. The solutions which the European papers have been kind enough to put forward re the disposal of the Philippines may be dismissed with the words of General Aguinaldo's proclamation: "Vain designs, ridiculous boasts!" When the time comes I am inclined to think the inhabitants themselves are going to have the biggest say in this question, especially after the events of May 30th to June 1st last. \* \* \*

The people are the most enlightened and vigorous branch of the Malay race, and have been Christians for centuries; in fact, longer than the principles of the Reformation were established in Great Britain, and are the nearest akin to Europeans of any alien race; and it is simply ridiculous to imagine that eight to ten millions of such people can be bought and sold as an article of commerce without obtaining their consent. Let all those who are greedy for a slice of the Archipelago ponder well over this before burning their fingers.

No decent or respectable Filipino will tolerate any social relations with the Pagan Chinese.

The only possible solution of the Philippine question is an independent government, under American protection, and this is the policy I recommended General Aguinaldo and his compatriots to accept, and which will, no doubt, be carried out. Time will show.

H. W. BRAY.

Singapore, June 8, 1898.

In this connection are herewith appended the views of Commander Bradford concerning what to do with the Philippines.

STATEMENT OF COMMANDER R. B. BRADFORD, U. S. N., OCTOBER  
14, 1898, BEFORE THE UNITED STATES PEACE  
COMMISSION AT PARIS.

(Doc. 62, pp. 474-490.) In his preliminary examination Commander Bradford stated that he had been in the naval service of the United States since 1861, occupying all the various subordinate grades of the navy, as well as command afloat and at various stations on shore; and that he had visited Manila on three different occasions, but had never visited any of the islands other than Luzon, except the coasts along the shores. Stating that during the past two months he had made a study of the islands and of their values as colonies of the United States, Commander Bradford detailed in an extended report regarding the mineral and other resources of the various islands. He stated that there was doubtless valuable deposits of coal in the various islands of the group, and that there was some coal, in fact, mined there.

Commander Bradford also testified before the Commission in detail regarding the other Pacific Islands between the Philippines and the California coast, such as the Island of Guam, the Ladrones, the Pelews and the Carolines.

Arguing that to have these islands in the hands of another nation would be troublesome or disagreeable to the United States, Commander Bradford said (p. 175): "I am firmly convinced that the Pelews, Carolines and Ladrones should all be acquired if we are to possess any territory near the China Sea."

"The Chairman: Q. If the United States could have one of the Carolines, which one would you designate as the one best suited to our purposes? A. Ponapi."

Then, with his sword, Commander Bradford pointed out to the Commission on the maps adorning the walls of their headquarters at Paris, islands and coral reefs, and archipelagoes of the Pacific, the names and existence of which had never been heard of, or dreamed of even, either in Canton or St. Paul.

In the course of this lesson in Polynesian geography then given to the Commission by Commander Bradford, he stated as follows (Doc. 62, p. 477): "England has made herself mistress of the seas and grown very rich by her colonial enterprises, and other countries are profiting by her example. Even little Holland has colonies with 50,000,000 of inhabitants which yearly export products to the value of \$125,000,000 to \$150,000,000."

An inspection of Commander Bradford's testimony in detail demonstrates the active interest taken by the Commission in his suggestions and presentation of facts regarding the Polynesian Islands and the wide wastes of the trackless Pacific, as several pages are found to be necessary to set forth that part of his interview with the Commission. In the course of the examination the following questions and answers appear:

Mr. FRYE: Q. Have you stated what, in your opinion, ought to be done relative to these positions in the East and in the Pacific from investigations which you have made?—A. I think that the entire Philippine group of islands, the Carolines, including the Pelews and the Ladrões, should be annexed to the United States.

THE CHAIRMAN: Q. Annexed by what means; taken forcibly?—A. Yes, primarily, and if they can not be fairly taken, then purchased. I would like to say that the Carolines and the Ladrões are mere dependencies of the Philippines, and it is so stated in the Blue Book of the captain general of the latter. (Doc. 62., p. 482.)

Page 486:

THE CHAIRMAN: Q. If we were not in the Philippines, were not taken there by the power of war, and they had a government to-day to apply for annexation to the United States, you think it would be a valuable acquisition to the United States?—A. Yes, sir; I do. In reaching this conclusion, I am much influenced by the recent action of Great Britain, Germany and Russia in China. It seems to me that they are parceling out the coast of China, and we should be in it, or as near it as possible.

Q. Do you think to be "in it" in China, we need to be all over the Philippine Islands?—A. I think it will be a great advantage to possess all of them.

Q. We could be "in it" in China without being "in it" in the Philippines?—A. Perhaps, but I confess I do not see how. If we possess the Philippines we will not be far away.

Q. How far is it from the top to the bottom of the Philippine group?—A. About a thousand miles.

In the course of the hearing Commander Bradford stated that with an increase of colonies the merchant marine and navy went naturally hand in hand. To the inquiry of the Chairman, "I presume that we will act on the defensive only?" Commander Bradford answered, "I hope not."

Besides the question of acquiring colonies for commercial and military reasons, Commander Bradford discussed with the Commission the moral phases involved by such a plan of expansion. In course of the consideration of the question from this standpoint, the chairman put the following inquiry (p. 488):

Q. Now, Commander, as you have said something about the moral point of view, you consider that we have a moral duty, unless I misunderstood you, to take the whole of the Philippine group?—A. That is quite correct.

Q. I suppose that you would recognize that one of the bases of the moral obligation is an adherence to declarations which, from a national standpoint, amount to promises, would you not?—A. Yes, sir; certainly.

Q. Good morals require adherence?—A. Certainly.

Q. Having undertaken a war with a specific declaration that it was undertaken with an utter absence of intention to acquire territory, with a definite object defined and declared, and having accomplished that object so defined and declared, would not you believe there is some moral obligation to adhere to that declaration?—A. Nations, as well as individuals, have a right to change their minds.

In view of Commander Bradford's opinion that nations, as well as individuals, have a right to change their minds, it is recollected that in the early days of our national history our fathers changed their minds regarding colonial government and decided to "cut loose" from that system altogether—and accordingly ran up their flag of independence. Concerning the making of that flag the following "incidents" may not be out of place:





## THE MAKING OF THE STARS AND STRIPES—THE "SONG OF WASHINGTON"—THE FLAG AND THE CONSTITUTION.

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"Oh, what a delightful day this is; and down on the river bank are such lovely flowers! Come, Aunt Betsey, put away that wondrous frill you are taking such pains with, as if your life depended on every stitch you take, and come down there with me—it will do you good."

"Nay, Ruth; thee knowest I would like to go with thee, child; but I must stay and mind the shop. It is all the support I have, now that your Uncle John is no more. It is little enough the apprentice lad here can do anyway, and I must stay and help him all I can. And besides that wondrous frill, as you call it, is for that wondrous gentleman, Gen. George Washington; and surely no stitches in the embroidery of his shirt frills can be too good for him."

"Oh, I can understand now why it is you take such pains in the making, if they are to be worn by that magnificent gentleman. Why, when he stopped here on his way to New York last month I thought him the grandest man I ever saw—why, everybody and everything seemed to shrink into insignificance in his presence—and yet he was so courtly and kind to you, Aunt Betsey."

"Yes, he has been kind to me, indeed; and he was so kind to John, too. See, he brought this watch and gave it to him before he died. Look there and read what is engraved on the case inside—'From George Washington, in honor of one who, at the peril of his own life, saved the weapons and munitions of the people.' That, you know, was down on the dock, when your Uncle John put out the fire in the magazine and was burned so badly that he died from the injuries. And so it is no wonder, child, that I take great pains in embroidering General Washington's shirt frills. There is no stitch too precise, and too perfect, and too good, for him, I am sure."

"But, surely, there must be ladies down in Virginia who would gladly embroider his frills. Why does not that lovely wife of his make them? Does she not know how to use a needle—they do say that——"

"There, there, child, give not thy tongue to gossip!" said Betsey Ross, in a tone of rebuke. "Say no more—I have been entrusted by General Washington to make these frills for him, and when he asked me to embroider them he told me there was no one in all the colonies that could do such fine needle work or suit him as well as I," said the Widow Ross proudly, "and I am sure no one else shall make them for him as long as I have sight and fingers to do that work. But look, here comes Uncle George Ross and a strange gentleman with him—and, yes, on that bay horse down the street is General Washington himself! Oh, my, what a splendid horse; and what a——" The rest was unspoken; nevertheless, the magnificent manhood of Washington was well calculated to make flutter any feminine heart, and all excitement and admiration, the usually pensive features of the young widow lighted up as she hastened to the door to greet her guests.

And the courtesy and grace of that greeting between relative and friend and stranger in that humble home of Widow Ross in Philadelphia on that May morning so long ago; no words can bring back the charm of the old-time days and ways. Seated finally in the little back parlor opening into the upholstery shop and store through which they first entered, in due time the occasion of the unexpected call was made known to the widow by General Washington. He explained that Mr. Ross and Mr. Livingston, who accompanied him there, and who, like General Washington himself, were members of the Continental Congress, had been chosen a committee by the Congress to devise and make a flag for the Colonists in their struggle for their rights against the tyranny of the English Government. "A flag," said General Washington, "should be the symbol of the hopes and rights of a people always; and that is what we wish to put into this flag that is to be made."

"But what can I do in this matter—and what seekest thou from me, who knows naught of flags?" said Betsey. "I am but a frail, weak woman—and a timid one at that," casting an appealing and admiring glance at the General.

"We feel assured," said Washington, "that so expert a needle-woman as you can make the flag for us, however, especially in view of the fact that we will outline to you the plan of it."

"I never made a flag in my life, and I doubt if I can succeed in the work. But for thee, gentlemen, I will surely try and do my best, however little that may avail," said the widow. "I suppose," she added, "that thou hast brought a flag with thee for a

pattern—the ‘King’s colors,’ I presume, which so long have floated here in the Colonies; and with that as a guide and with thine help, gentlemen, I can try to make it, although I much fear it will be a failure.”

“No,” said Washington, “we brought with us no ‘King’s colors,’ no royal standard of any kind. This is to be the people’s flag, the symbol of the sovereign power of the people, and the emblem of the equal rights of all the people, and the sovereign rights of each and every Colony as well.”

“Surely you do not mean that there shall be made a flag that shall be uplifted against the standard of His Majesty, King George, at any time, do you?” said the widow, with a tremor in her voice.

“It is indeed true,” said Washington, “that the condition of affairs in these Colonies has in times past brought the people on several occasions to that extremity—and if now in the common struggle to maintain the rights due to us not only as English subjects, but as free men, even, the people desire a standard; then must a flag be made that shall be the symbol of those rights “for which they are determined to fight—and die if need be.”

“But I know not of symbols, nor rights,” said the widow. “And about flags I only know that John often said that the ‘King’s colors,’ the Royal Red of the flag, and the Cross of St. George and St. Andrew, represented our rights, the rights of all English subjects everywhere, both in England and in the Colonies—and why should a new flag supplant the old one here?”

“Yes,” said Washington, “the King’s flag has long floated over these Colonies. It is also true that the ‘King’s colors’ have long been and still are dear to Englishmen everywhere, and to the Colonists here also, as men not only of English blood and lineage, but as men loyal to the liberties guaranteed under the Crown and the English Constitution. But the long-continued abuses of the Crown, of the King and his advisers, heaped upon the people here, has now created in them the determination to maintain those rights at all hazards—to the extent, perhaps, of wiping out of the flag all symbol of royal authority.”

“But it is now proposed,” said Livingston, “to leave in the new flag the symbol of the rights of English subjects so long cherished everywhere, the red color of the flag. That color in all the past, though called the ‘Royal Color,’ represents not Royalty, but rather, as claimed by Paine and Jefferson and Samuel Adams, stands for the common brotherhood of man, the symbol of the blood that flows in the veins of all mankind. However that

may be, the flag of the Colonies now to be made will have the red color proclaiming English right and justice always. Those rights we are now determined to maintain here and forever."

"But what about the white part of the 'King's Colors;' will that go into the new flag?" said the widow.

"Yes, that also will remain," said Washington, "but in a new arrangement. For my part, I could not bear to leave out the white and the red so long intermingled in the flag of my fathers in this land, and in the mother country as well," said Washington. "It has been thought best, however, to fix in a new way the mingling of the red and white crosses of St. George and St. Andrew, which since the union of the English and Scottish peoples have formed a part of the English flag. That mingling of the colors and lines of the two crosses represented the union of two free peoples in Great Britain—each equal and sovereign powers. So here the great thing sought for by the people of these Colonies in the struggle which is now on for the rights of all the thirteen Colonies is union, a union of action and purpose that will advance the common cause.

"Here is a drawing of the new flag which the people of Boston made, and which I, at their request, on the 2d day of July last unfurled under the Charter Oak there. It was given to the breeze with thirteen cheers, and the roar of thirteen guns, representing the union of all the Colonies. It is called the 'Union Flag.' You see, it has thirteen stripes, red and white, each of the same length and running in parallel lines. The stripes by the colors typifying the rights of our race, the right of representation in Parliament, the right of no taxation without representation, the right of home rule, and the guarantee of all the civil liberties and personal rights established under the Magna Charter of King John and maintained by the people of England and English subjects ever since that time. These are the rights to be symbolized by the flag now to be made.

"In the Union of the thirteen equal and parallel stripes is set forth the Union now formed by these Colonies to uphold the common cause henceforth as one people in the land. That Union is very dear to the people, and the new Union flag will be made up of the thirteen red and white stripes."

"But I do not see the crosses of St. Andrew and St. George here in this drawing," said the widow, hesitatingly.

"They are to be left out, Betsey," said her uncle. "A religious symbol in the flag has long been distasteful to very many in the Colonies here. As you know, the early settlers of several of the

Colonies came here to avoid the upholding in civil government of the Established Church, or of any church, indeed. In the wars with the French and in early days here, and since on many occasions, military forces of several of the Colonies have placed in their flag alongside the white crosses various symbols and emblems of their own, which in some strange way have become dear to many of the people."

"Why, yes," said Betsey, musingly, "I remember that when I read about that dreadful battle on Bunker Hill some of the troops there bore a banner that had on it a pine tree instead of the crosses."

"Yes," said Washington, "that was on the flag beneath which Warren fell, and the pine tree has long been the symbol of right and power in the New England Colonies and elsewhere in this land. This tree has been stamped on the shillings and sixpences of New England over a hundred years ago. And the pine tree everywhere to be seen on the mountain tops and summits throughout the Colonies is a noble symbol of independence. Firmly rooted in the crevices of the rugged hills, quivering, responsive to every breeze, it murmurs ever the song of self-sustaining liberty."

"This tree has long been known as the Liberty Tree—and liberty poles have been often in the past set up in the Colonies in assertion of the independent right of the people for home rule. It is a noble symbol, and many have urged that it be placed in the new flag."

"You recollect," said Livingston, "how boldly the idea of liberty was proclaimed in South Carolina last September. The Richmond Rifles there, under Col. Moultrie, placed on the flag which they planted there on Fort Johnson, the glowing and defiant letters of the word 'Liberty!' and fought nobly under that emblem alone."

"Yes," said Washington, "Liberty—aye, even Independence are now words that stir the hearts of the people throughout all the colonies; and that thought of Liberty, of Independence, indeed, must surely go into the flag, along with the sentiment here of Union represented by the thirteen stripes, and the colors red and white, so dear to all."

"The course of the King leaves us no resource but to arms and an appeal to heaven in defense of our rights—and if Independence, which is so loudly demanded all over the land, is to be asserted, it seems to me and to the other members of this

committee that it is best represented by this symbol, which I have drawn here on this paper."

Here Washington spread out on the table a drawing showing the figures of stars, thirteen in number, shining white through a field of blue.

"Oh, how lovely!" exclaimed Betsey; and now the thought comes to me too—the same thought that the stars shining down upon me have often brought to my mind—the mystery of life, of birth, of death, the brotherhood of human mortality! Ah! that is a grand thought," turning to Washington with enthusiasm, "and a grand flag it shall be, indeed, if aught of my skill can aid thee."

"Yes," answered Washington, "the stars of heaven proclaim the equality of human rights and that manhood that uplifts the man. What emblem could be more glorious than the eternal stars, teaching self-development inherent in every soul? Each star circles about in its own orbit, shining steadfast through the eternities, a sovereign and a guide to all mankind. From the skies comes the highest conception of impartial liberty—that liberty which shall be the birthright of all men.

"We will have no royal escutcheon, no symbol of beast asserting royal right in our flag. The stars mean Liberty, Independence, Self-Government—Democracy. They shall go into the flag along with the stripes marked out there, and for every stripe shall be placed a star, one for each independent and sovereign Colony. Together the stars and the stripes shall assert the rights of all the people in each of the thirteen Colonies, and in all the Colonies, and in all the territories and lands that belong to them. The stars and stripes shall proclaim Liberty and Union and Independence throughout this land—aye, around the globe as well, I doubt not."

The voice of Washington rang out like a prophecy, and tears stood in the eyes of Livingston and Ross, and, rising to their feet, the three patriots stood with clasped hands, gazing at the stripes and the stars that in their mind's eye they already saw shaped into the flag by the skillful fingers of Mistress Ross.

As for the latter, overcome by the thrilling tones of Washington and the eloquence of the occasion, she bowed her head upon the table and sobbed with excess of emotion. "I will make the flag," said she. "In the cause of liberty my husband sacrificed his life. If I can help to make the sacred emblem which is to be the flag here in these Colonies, and to be borne in battle by the men of this land, under thy great leadership, General Washing-

ton, I shall cease not the work of its creation by day or night, until it is made. Above all women I am honored by the trust thou hast given into my hands."

"It will be grand—the thought is divine, the colors are heaven-born, but," pausing a moment, and looking archly up into the face of Washington, "art thou sure the stars are fashioned in the best way?"

"Why, surely, they must be correct," said Washington, hesitatingly. "I laid out the drawing with all the accuracy that my skill and implements as a surveyor would permit. Each point of the star is equally distant from the center of the circumscribing circle, and the lines are laid out in equal angles by the compass—six points in all."

"But," said the widow, "a five-pointed star would be much prettier, I am sure; and why not make the stars with five points instead of six?"

"Why, that would be so much the more difficult for you to make—and beside," said Washington, "with all my skill, and with all the implements of my profession, I doubt if I could draw you a five-pointed star."

"Why, that is easy; any woman could do that," said Betsey, with a suggestion of laughter that stirred the pulses of the great commander like music; and taking the paper, she folded it rapidly in creases, and snipping it here and there with her scissors—"see here"—unfolding it—"this is a five-pointed star, and every line is perfect, and may I not put stars with five points instead of six, into the flag?"

With courtly grace, Washington bowed assent, saying, "If only the stars in the flag shall be as bright as the eyes of Mistress Ross, there lives not a man in all the Colonies but will gladly die to defend them."

And so it came to pass that the flag drawn by Washington, and sewed into shape by Betsey Ross, in that little back parlor in Philadelphia, was the first American flag unfurled to the winds of heaven.

Betsey Ross made the flag, and her life was rounded out with length of years. And to her children and grandchildren she often told the story of its making. But once, just as the end came, rousing out of the slumber which was supposed to be her last, she took from out a little pouch which through all the years she had worn next to her heart, a faded, time-worn slip of paper, on which, she said, was written the words of "The Song of Washington."

And then with a renewal of life, as it were, she told about the song. She said that on that day Washington lingered a while after the rest of the committee had departed, and that to her alone had he revealed the story of the flag.

"The Stars and Stripes," said Washington, "are not of mortal creation. They came as an inspiration to the New Epoch that now is at hand. I planned not the flag."

"Last night," continued he, "there came to me, whether in my sleep or not, I know not, a great strange light unlike the light of sun or stars or any that ever shone o'er land or sea; and out of that light came a voice that filled all space with music, and these words which I have written here on this paper for you to keep always. I can not sing them as I heard them," said Washington. But sitting down to the dulcimer and striking chords of wondrous sweetness as an accompaniment, he sang "The Song of Washington" (a song which he never again sang in lifetime).

"And oh, that song," said she; "the deep bell-like voice of Washington, and the heaven-born harmony—yes, I hear—I see—the song—the star—oh, Washington!" And with a smile the dear old lady passed into the light and Liberty that illumines the Great Beyond.

The words of that Song as now discernible on that yellow, faded slip of paper, are as follows:

#### THE SONG OF WASHINGTON.

Our stars shall shine o'er land and sea;  
Our stars shall make forever free  
All men and nations far and wide,  
From year to year and tide to tide.  
The Stars, the Stars of Liberty!

Our stripes declare the Union sound,  
Of sovereign States the globe around;  
Of right at home and right abroad,  
Established as the peace of God.  
The Stripes, the Stripes of Unity!

Our Stars and Stripes that now unfurled  
Bring a new day unto the world;  
The day when all men brothers are,  
The day that ends all thought of war.  
The Stars and Stripes this day unfurled!

Thus came the flag so long ago. Has the day now come when the splendor of that banner is to be trailed in the dust of bygone



imperialism? Is it to be that the sacrifice of lives under the leadership of Washington throughout all the dark days of the Revolutionary struggle to uphold that flag and to establish liberty and independence in the world, shall all come to naught? Shall that flag become, even in far-off lands, the symbol of imperialistic power, upholding a system which Washington and the fathers overthrew?

The flag that Washington sketched, and Betsey Ross made, was the symbol of the liberty the colonists sought. The making of the flag preceded the Declaration of Independence by a few weeks only. The flag meant the "consent of the governed," the sovereignty of the people—democracy.

Through all that Revolution the flag was the intangible thought symbolized. Later on the Constitution became the intangible thought materialized. The flag is the reminder. The Constitution is the thought manifest. The fathers that fought for one created the other. The flag and the Constitution are inseparable.

The present Administration seeks to maintain the flag and to ignore the Constitution. Concerning this a brief discussion of the Constitution and certain decisions of the Federal Supreme Court here follow:

## THE CONSTITUTION OF THE UNITED STATES—CONSTRUCTIONS PUT UPON IT—OUTLINES OF DISCUSSION OF THE SAME.

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Concerning the Constitution of the United States, it appears that at the present time three distinct views are entertained.

The first view is the one that all Democrats, by whatever name known in the past, have held, namely: That the Constitution was established to enforce and maintain the doctrines of the Declaration of Independence. The Democratic view also holds that the Constitution enumerates and limits the powers of government, and that it should be strictly construed to sustain only the purposes clearly expressed therein.

Second. The view held by the school of loose constructionists, to-day represented by the masses of the Republican party, looks to the increase or enlargement of the authority of the Federal Government. It is also thereby maintained that the Constitution may be broadly construed to carry out any purpose which can fairly or reasonably be inferred from its terms. The struggle in the past has been between these two schools of thought and politics.

Third. The new view which is set forth by the forces which are behind the present Administration, and which so largely shape its policy, holds that the Constitution is a worn-out instrument, not up-to-date with the necessities of the present age and civilization; and therefore, in some of its provisions, at least, may be ignored, or boldly set aside. This view is now proclaimed, not only by the acts of the President, but has been openly sanctioned of late by some of his leading supporters in the halls of Congress. As for the construction of the Constitution, the Administration would construe it in the same manner that Senator Hanna "conciliates" his political opponents—"with an ax."

The Constitution was wisely shaped to establish and preserve liberty. If, at any time, conditions demand a change in its structure, the instrument itself provides a way for the making of such change by the sovereign will of the people, to be expressed in due form. In the meantime, every citizen in the

country is in all his dealings and capacities subject to all its provisions. Moreover, every person who seeks here to exercise the right of suffrage, or to hold any office within State or Federal jurisdiction, has, as a first step towards the enjoyment of such rights or duties, to take oath to support the Constitution of the United States—which long has been, and to-day is, “the supreme law of the land.”

It is proposed to briefly consider in what follows—

- (1) The purpose for which the Constitution was established;
- (2) The limitations of power contained in the Constitution;
- (3) The area or territory over which the Constitution was established;
- (4) The power to acquire territory under the Constitution;
- (5) The power of Congress to govern area or territory of the United States.

These considerations, thus outlined, are capable of indefinite expansion, and are worthy of presentation and argument by the ablest minds of our land in the forums of law, legislation and politics. Indeed, the extended and able discussion of the issues involved in the outline proposed carried on in Congress, opens up a field of study to the citizens of this country which is boundless as it is admirable.

There is here entertained no thought that what follows herein will do justice to the learning, and eloquence, and statesmanship manifested in the great debate of late carried on, and still being carried on in Congress—and which is so readily accessible to the voters of this country. This debate will be followed by the debate of the whole American people in the Presidential campaign now so nearly at hand. It is only here hoped, however, and with many misgivings, that the suggestions which herein-after follow, and the citations and authorities accompanying the same, will fairly present an outline of the discussion thus made and to be made. The attempt here presented may be of some use, to some people, at least, in the study of the great issue which it is the duty of every citizen to make before voting thereon.

## I.

**The Purpose for which the Constitution was Established.**

Concerning the power of legislation exercised by the people of the thirteen American Colonies before the Revolution, the late Justice Cooley, in his "Principles of Constitutional Law," page 5, says as follows:

The people of the colonies had previously exercised a somewhat indefinite power to make their own laws, which was very general in some colonies and greatly restricted in others. In all of them the proprietary, or royal governor, might defeat legislation by refusing his assent, and in some a council not chosen by the people formed a second legislative check whose concurrence was necessary. Colonial legislation was also modified in England by authority of the executive board or council, or by parliament. Parliament also exercised the power to make laws for the colonies, and in some cases the power was conceded, though its exercise in particular instances was complained of as an abuse, while in other cases the power itself was denied. It was considered that in all matters of what may be denominated imperial concern, the common legislature of the realm must legislate for all the domains of the crown, and that under this head fall the commerce of the colonies with the mother country and with other nations and colonies.

On this subject it is also laid down by Chief Justice Jay in *Chisholm vs. Georgia*, 2 Dall., 470, as follows:

Before the revolution the powers of government which were exercised over all the colonies in common, were so exercised as pertaining to either the Crown of Great Britain or to the Parliament; and always disputes between colonists and home governments arose as to how far in the Crown and how far in the Parliament.

The colonists were not sovereign states in the sense that they had power of peace or war, or in commerce. The colonists did insist on regulation of home affairs to be their own exclusive matter.

In 1775 Congress assumed powers of external control and became the government of the United Colonies. The Declaration of Independence made them sovereigns by abolishing the foreign jurisdiction and substituting a national government of their own. Every acre was held of the Crown—all the people owing allegiance to the king.

By the Declaration of Independence the American people abolished all forms of foreign rule or allegiance. The colonies thereby became sovereign States—the embodiment of the doctrines of home rule. The Declaration of Independence destroyed forever all semblance of colonial rule or of any colonial system in the land. The people by that act were absolutely free from the doctrine that government could rightly be imposed on them from without.

They went still further and declared the sovereignty of the people, that all governments derive their just powers from "the consent of the governed," and that all men "are created free and equal"—political equality.

These cardinal principles of the Declaration are changeless and eternal. They are self-evident truths, instinct in all humanity. The men of '76 fought successfully for their incorporation into the national life of this country. The Declaration and the Revolution precludes the possibility that they for a moment entertained the idea that the day would ever come when the Government of this country would maintain in any way a colonial system anywhere, or ever abandon that "pole star" principle of government—"the consent of the governed."

How the Declaration of Independence came to be made is a part of the imperishable history of our race. It came through endless ages of evolution, through darkness, and tyranny, and striving, and brought forth democracy.

The doctrine of "the consent of the governed" is now sneered at by some of the supporters of the policy of the present Administration. In Congress it has recently been termed "a glittering generality." Until the present Administration, no one has ever questioned its authority as a guiding and fundamental principle of our Government.

The Declaration was the act of all the people in their sovereign national capacity. It was adopted to do away with a colonial or imperialistic system. The Constitution followed as the act of all the people in their sovereign national capacity also. The latter was created for the purpose of establishing self-government and to shut out here all form of a colonial or imperialistic policy.

The same people, practically, that proclaimed and stood behind the Declaration of Independence, and fought successfully to establish it, shaped and adopted the Constitution. The latter was drawn and devised by their representatives, among whom were several signers of the Declaration of Independence. The Constitution was the attempt of the people to perpetuate forever the principles set forth in that Declaration. The Constitution stands upon those fundamentals. The inspiration and purpose of the Constitution was to maintain them and to make them of binding force throughout all the structure of our Government.

It is practically impossible to understand or properly construe the provisions of the Constitution without keeping in mind the Declaration of Independence always. The Declaration was upheld by the sacrifice of life, and by warfare long and wasting. The Constitution was established by the arts of peace, by the will of the people; but it was based upon the eternal principles of that Declaration. The Declaration underlies all the structure

of the Constitution, and the irresistible sentiment of the people cemented it thereon. Subvert any principle proclaimed in that Declaration, and the Constitution falls in ruins.

"We, the people," declares the preamble of the Constitution—all the people, by the sovereign power of the people—"do ordain and establish this Constitution." Therein is declared the sovereignty of the people—not sovereignty from without, imposed; but sovereignty inherent—the "consent of the governed." The Constitution provides for carrying out the will of the sovereign people by a representative government.

"To establish justice"—what was the nature of that justice? The justice of the Declaration, that "all men are created free and equal"—political equality. It can not for a moment be doubted that after the close of the Revolutionary struggle, maintained to uphold the Declaration, the founders of the Republic, or the masses of the American people, had any other conception of justice in mind but the form of justice, the political equality, set forth in the Declaration.

Through all the years since the adoption of the Constitution, the great leaders and statesmen of all parties have united in considering the Declaration as being the foundation and an inseparable part of the Constitution. The acts of the present Administration in its dealings with a foreign people on the other side of the globe now give the lie to the principle for which our fathers fought, and for which those alien people are there fighting. Unbridled power, untrammelled by constitutional right, is there sought to be maintained by use of the armies and navies of the United States.

## II

### **The Limitations of Power Contained in the Constitution.**

The fact that a Constitution was thought to be necessary, and was provided for as the basis of a government to be adopted by the people of the United States, is in itself proof that no arbitrary or autocratic powers were to be granted to or allowed to be exercised in any branch or department of such government. The fact that limited powers alone were granted by the Constitution to the several branches of the government created thereby, also prove the reserve in the sovereign people of powers not thereby granted. In other words, the existence of the Constitution itself is complete proof that the Government of the United States is one of limited authority—although supreme within the limits of the powers or functions granted.

The Constitution stands for the people. Whatever is done, or to be done, is by virtue of its authority. Concerning the definition of the word "Constitution," it was said in *Van Horne vs. Dorrance*, 2 Dall., 304:

What is a constitution? It is the form of government delineated by the mighty hand of the people, in which certain first principles of fundamental law are established. The Constitution is certain and fixed; it contains the permanent will of the people, and is the supreme law of the land. It is paramount to the power of the legislature, and can be revoked or altered only by the powers that made it. \* \* \* Statutes may be amended or repealed by the legislature, case law may be modified or overruled by the courts, but the Constitution can, as a rule, be changed only by the people, in the exercise of their sovereign powers.

A written Constitution forms no part of the English Government. Whatever limitations of ultimate authority are imposed thereon, are established by custom and precedent, and in similar ways. It would appear that supreme, irrevocable power is vested in parliament, the representative of the English people. It is said concerning parliament in 1st Black. Com., 161:

It can change and create afresh even the Constitution of the Kingdom and of Parliaments themselves, as was done by the Act of Union and the several statutes for triennial and septennial elections. It can, in short, do everything that is not naturally impossible; and therefore some have not scrupled to call its power, by a figure rather too bold, the Omnipotence of Parliament.

Concerning the limitations of our Government, it is said in *Pomeroy's Constitutional Limitations* (pp. 226-7), as follows:

The Government of the United States is one of limited powers. The people have not committed to it their own complete functions of legislation and administration. One portion they have reserved dormant in their hands; special capacities and attributes they have conferred upon the National Government; and the residue they have entrusted to the separate States.

The limitations are those expressed in the Constitution in positive terms; those which are implied from the general nature of the government, and the design or the intent by which that government is created. \* \* \* The Constitution is certain and fixed; it contains the permanent will of the people, and is the supreme law of the land; it is paramount to the power of the legislature, and can be revoked or altered only by the authority that made it. The life-giving principle and the death stroke must proceed from the same hand. The Constitution fixes limits to the exercise of legislative authority and prescribes the order within which it must move.

Also in *Cooley's Constitutional Limitations* (p. 11), it is said:

The Government of the United States is one of enumerated powers; the National Constitution being the instrument which specifies them, and in which authority should be found for the exercise of any power which the National Government assumes to possess. In this respect it differs from the constitutions of the several States, which are not grants of powers to the States, but which apportion and impose restrictions upon the powers which the States inherently possess.

In his "Constitutional Law" (pp. 29-31), it is also stated:

The Government created by the Constitution is one of limited and enumerated powers, and the Constitution is the measure and the test of the powers conferred. Whatever is not conferred is withheld and belongs to the several States or the people. \* \* \* It is manifest that there must be a difference in the presumption that attends an exercise of national and one of State powers. The difference is this: To ascertain whether any power assumed by the Government of the United States is rightfully assumed, the Constitution is to be examined in order to see whether expressly or by fair implication the power has been granted, and if the grant does not appear, the assumption must be held unwarranted. To ascertain whether a State rightfully exercises a power, we have only to see whether by the Constitution of the United States it is conceded to the Union, or by that Constitution or by that of the State prohibited to be exercised at all.

See also Hare's "American Constitutional Law," Vol. I, pages 94-5; Sedgwick's "Construction of Statutory and Constitutional Law," pages 549-551; and Potter's "Dwarris on Statutes and Constitutions," pages 661-2, and 665.

These opinions of the leading text writers on constitutional law are founded upon numberless decisions of the courts, among which the following are cited:

In *Martin vs. Hunter, lessee*, 1 Wheaton, 304, 326, Chief Justice Marshall declared:

The Government of the United States can claim no powers which are not granted to it by the Constitution, and the powers actually granted must be such as are expressly given, or given by necessary implication.

And again the rule is laid down by Chief Justice Marshall, in the case of *Gibbon vs. Ogden* (9 Wheaton, 187):

This instrument (the Constitution) contains an enumeration of powers expressly granted by the people to their government.

In his argument in the above case, *Gibbon vs. Ogden*, Daniel Webster said:

In conferring powers it (the Constitution) proceeds by the way of enumeration, stating the powers conferred one after another in few words, and where the power is general or complex in its nature, the extent of the grant must necessarily be judged of and limited by its object and by the nature of the power.

Also in his reply to Haine he (Webster) said:

The National Government possesses those powers which it can be shown the people conferred upon it, and no more. \* \* \* The people erected this Government. They gave it a Constitution, and in that Constitution they have enumerated the powers which they bestow in it. They have made it a limited government. They have defined its authority. They have restrained it to the exercise of such powers as are granted.



And elsewhere in the reply he declared:

It is a government of strictly limited powers, of enumerated, specified and particularized powers; and whatever is not granted is withheld.

Justice McLean in the case of *John Brisco vs. Bank of Kentucky* (11 Peters, 257), said:

The Federal Government is one of delegated powers. All powers not delegated to it or inhibited to the States, are reserved to the States or to the people.

And Justice Chase, in *Cridler vs. Bull* (3 Dallas, 386), declared:

The people of the United States erected their Constitutions, or forms of government, to establish justice, to promote the general welfare, to secure the blessings of liberty, and to protect their persons and property from violence.

The purposes for which men enter into society will determine the nature and terms of the social compact; and as they are the foundation of the legislative power, they will decide what are the proper objects of it; the nature and ends of legislative power will limit the exercise of it.

This fundamental principle flows from the very nature of our free republican governments, that no man should be compelled to do what the laws do not require, nor refrain from acts which the laws permit.

There are acts which the Federal or State legislature can not do without exceeding their authority. There are certain vital principles in our free republican governments which will determine and overrule an apparent and flagrant abuse of legislative power, as to authorize manifest injustice by positive law, or to take away that security for personal liberty or private property for the protection whereof the Government was established. \* \* \*

To maintain that our Federal or State legislature possesses such powers, if they had not been expressly restrained, would, in my opinion, be a political heresy altogether inadmissible in our free republican government.

And Justice Iredell said in the case quoted above:

If a government possessed of legislative, executive and judicial departments were established by a constitution which imposed no limits on the legislative power, consequences would inevitably be that whatever the legislative power chose to enact would be lawfully enacted and the judicial power could never interpose to pronounce it void.

\* \* \* \* \*

In order, therefore, to guard against so great an evil it has been the policy of all American States which have individually framed their State constitutions since the Revolution, and of the people of the United States when they framed the Federal Constitution, to define with precision the objects of the legislative power and to restrain its exercise within marked and settled boundaries.

To make sure that the limitations of the Constitution should always be effective, the amendments to the Constitution from one to ten, inclusive, called the "American Bill of Rights," were adopted shortly after its ratification. And of these amendments the ninth and tenth were inserted, so as to secure beyond all

question any implication of powers arising from the fact of the enumeration of specified powers. These amendments to the Constitution are:

Article IX. The enumeration in the Constitution of certain rights shall not be construed to deny or disparage others retained by the people.

Article X. The powers not delegated to the United States by the Constitution nor prohibited by it to the States, are reserved to the States or to the people respectively.

### III.

#### **The Area of Territory over which the Constitution was Established.**

The Constitution of the United States provided therein that upon its adoption by nine States it should become the Constitution of the United States of America. Eleven States adopted it at first. If the other two States had not adopted it the area of the United States would not in such case have included those States. It was, however, shortly thereafter ratified by the remaining two States.

At the time of the adoption of the Constitution the people of this country were not possessed of a desire to acquire vast areas of land within the domain of the government to be formed. The population of the thirteen States was, to a great extent, confined to the territory bordering on the Atlantic Coast, and almost wholly east of the Alleghanies. The great thought of the people was liberty, independence, home rule—not lust for empire, or for ruling near or distant peoples other than themselves.

The jurisdiction of the United States was then limited solely to the areas of the thirteen States and the outlying territory which then had been ceded to the United States by several of the States. By compact between the United States and the several States ceding such territory statehood and citizenship were granted to all outlying areas thus ceded. When the Constitution had been adopted it covered every acre of the thirteen States and the outlying territory—and the Declaration of Independence was cast about every person therein.

The government for the outlying territory was provided for by Article IV, Section 3, Clause 2, of the Constitution, which is as follows:

The Congress shall have power to dispose of and make all needful rules and regulations respecting the Territories or other property belonging to the United States; and nothing in this Constitution shall be so construed as to prejudice any claims of the United States or of any particular States.

Concerning this control of Congress over territory of the United States, it is said by President Monroe in his veto of the bill passed by Congress in reference to the Cumberland Road (Veto Messages, etc., Senate Miss. Doc. No. 53, p. 63) as follows:

It is manifest that the power granted to Congress to dispose of and make all needful regulations respecting the territory and other property of the United States, relates solely to the territory and property which have been ceded by individual States, and which, after such cession, lay within their respective limits, and for which special legislation was deemed necessary.

And further on he says (id. p. 63):

Thus the power of Congress over the ceded territory was not only limited to these special objects, but was also temporary. As soon as the Territory became a State, the jurisdiction over it, as it had before existed, ceased. It extended afterwards only to unsold lands, and as soon as the whole was sold, it ceased in that sense also, altogether. From that moment the United States have no jurisdiction or power in the new States, other than in the old, nor can it be obtained except by amendment of the Constitution.

It is to be observed that the powers granted to Congress by this Article IV, Section 3, Clause 2, of the Constitution, under consideration, which is the chief cornerstone of the imperial structure sought to be upraised by the present Administration in Puerto Rico and the Philippines, was limited not only to the area mentioned by President Monroe, but was furthermore circumscribed by the compact between the United States and the individual States ceding that territory providing for speedy statehood and incorporation into the Union of the same.

The Constitutional jurisdiction of the United States and the area of the same were completely co-existent and co-extensive when the Constitution was adopted. Has anything occurred since that time to create a separation of the same, or to sanction the belief that the United States can have jurisdiction or area anywhere in which the Constitution of the United States shall not be the supreme law; or in which the Declaration of Independence can be ignored; and where the flag means sovereignty of an alien and imperial power in place of home rule and sovereignty of the people? An examination of the right of the United States to acquire territory other than that within its jurisdiction at the time of the adoption of the Constitution, will be interesting, and hereinafter follows:

Concerning this power granted Congress to dispose of and make needful rules, etc., respecting the territory, etc., of the United States, it is of interest to note the following, as appears in the Federalist (Edition 1864, p. 341):

This is a power of very great importance, and required by consideration similar to those which show the propriety of the former. The proviso annexed is proper in itself, and was probably rendered absolutely necessary by jealousies and questions concerning the Western Territories, sufficiently known to the public.

In this connection it is well also to note the following comment in the Federalist regarding that provision of the Constitution which provides the guarantee to every State in the Union of a republican form of government. (See the Federalist, Edition 1864, p. 341):

In a confederacy founded on Republican principles, composed of Republican members, the superintending government ought clearly to possess authority to defend the system against aristocratic or monarchical innovations. The more intimate the nature of such an union may be, the greater interest have the members in the political institution of each other; and the greater right to insist that forms of government under which the contracts were entered into, should be substantially maintained.

#### IV.

#### **The Power to Acquire Territory Under the Constitution.**

The question of the right of the United States to acquire area or territory in addition to that held within its limit and jurisdiction at the time of the adoption of the Constitution, arose very early in the history of our Government.

Article IV, Section 3, is as follows:

New States may be admitted by the Congress into this Union; but no new States shall be formed or erected within the jurisdiction of any other State; nor any State be formed by the junction of two or more States, or parts of States, without the consent of the legislatures of the States concerned, as well as of the Congress.

This provides for the admission of new States, but it has been a matter of doubt whether that provision of the Constitution referred to the carving out and erection of new States from the territory already possessed by the United States, and within its boundaries at the time of the adoption of the Constitution, or, possibly, might be referred to the making of States out of new areas and territories if they were acquired subsequently by the United States.

The question was put to a practical test by the acquisition of that area known as the Louisiana Purchase under the Administration of Jefferson. That purchase grew out of an attempt of that Administration to secure for the United States an untrammelled navigation of the Mississippi to the sea. The purchase of that vast area was not contemplated in the negotiation undertaken with Napoleon to secure such right.

Jefferson was of the opinion that under the Constitution the United States had no right to acquire additional territory, nor to incorporate into the Union States other than such as would be carved out of the territory in possession of the United States at the time of the adoption of the Constitution. He therefore urged the adoption of an amendment to the Constitution for the purpose of holding and incorporating the Louisiana Purchase into the Union. This fact is abundantly shown in his official recommends, and by numerous letters and correspondence on that subject extant.

It was finally determined, however, that the right to hold and incorporate additional territory existed under the provisions of the Constitution, and the Louisiana Purchase became a part of the Union under the conditions for statehood and incorporation provided for both by treaty by France and by the various acts of Congress, placing it upon the same basis as the Northwest Territory, acquired under the compact of July 13, 1787, as hereinbefore shown in detail.

Concerning this right Mr. Justice Story, in his work on the Constitution, Section 1286, speaking of the cession of Louisiana Territory, says:

The friends of the measure were driven to the adoption of the doctrine that the right to acquire the territory was incident to national sovereignty; that it was a resulting power, growing necessarily out of the aggregate powers confided by the Federal Constitution; that the appropriation might justly be vindicated upon this ground, and also upon the ground that it was for the common defense and general welfare. In short, there is no possibility of defending the constitutionality of this measure but upon the principles of the liberal construction which has been, on other occasions, so earnestly resisted.

And likewise, concerning this question, Mr. Cooley, on page 187 of his *Constitutional Limitations*, says:

The Constitution also provided that new States may be admitted by Congress into the Union; but whether they should be formed of territory at that time belonging to the States, or from territory that might thereafter be acquired, or taken in as existing States previously independent, was not expressly determined by that instrument. By the ordinance of 1787, however, which the Constitution left in force, it had been agreed that States, not exceeding five, might be formed from the Northwest Territory and received into the Union; and it may be assumed as unquestionable that the constitutional provision contemplated that the territory then under the dominion of the United States, but not within the limits of any one of them, was in due time to be formed and organized into States and admitted into the Union, as has since in many cases been done.

Indeed, it could never have been understood that any territory which by purchase, cession, or conquest should at any time come under the control of the United States should permanently be held in a territorial condition, and the new States which have been formed of territory acquired by treaty must be supposed to have been received into the

Union in strict compliance with the Constitution. And when territory is acquired the right to suffer States to be formed therefrom, and to receive them into the Union, must follow, of course, not only because the Constitution confers the power to admit new States without restriction, but also because it would be inconsistent with institutions founded on the fundamental idea of self-government that the Federal Government should retain territory under imperial rule and deny the people the customary local institutions.

In detail, the right of the United States to acquire territory has been held to arise from the powers conferred upon the Government by the Constitution, as follows:

(First) Article I, Section 2, Clause 11, "To declare war, grant letters of marque and reprisal, and make rules concerning captures on land and water."

(Second) Article II, Section 2, Clause 2, "He (the President) shall have power, by and with the advice of the Senate, to make treaties, provided two-thirds of the Senators present concur."

The power to make war and the power to make treaties, conferred upon different branches of the Government are restricted by the limitations of the Constitution to the purposes for which our Government was instituted. It has never yet been suggested that Congress has the power to make a war of conquest primarily, or to acquire territory by conquest except as a means of weakening the enemy, incidental to the purpose for which the war itself was undertaken.

As was said by Chief Justice Taney, delivering the opinion of the Supreme Court in *Fleming vs. Page* (9 How., 614):

The genius and character of our institutions are peaceful, and the power to declare war was not conferred upon Congress for the purpose of aggression or aggrandizement, but to enable the general government to vindicate by arms, if it should become necessary, its own rights and the rights of its citizens. A war, therefore, declared by Congress can never be presumed to be waged for the purpose of conquest, or the acquisition of territory; nor does the law declaring the war imply an authority to the President to enlarge the limits of the United States by subjugating the enemy's country. The United States, it is true, may extend its boundaries by conquest or treaty, and may demand the cession of territory as the condition of peace, in order to indemnify its citizens for the injuries they have suffered, or to reimburse the Government for the expenses of the war. But this can be done only by the treaty-making power or the legislative authority, and is not a part of the power conferred upon the President by declaration of war.

As to the pretense that the power to make treaties is unlimited, President Jefferson said:

To hold the treaty-making power as boundless is to make the Constitution blank paper by construction.

A sentiment which has been judicially reechoed by Mr. Justice Field, in *Geofreys vs. Riggs* (133 U. S., 258), wherein he said:

The treaty power as expressed in the Constitution is in terms unlimited, except by those restraints found in that instrument against the action of the Government or of its departments, and those arising from the nature of the Government itself and that of the States; it would not be contended that it extends so far as to authorize what the Constitution forbids or a change in the character of the Government.

And also as follows by Mr. Justice Swayne, in *Cherokee Tobacco vs. United States* (11 Wall., p. 616):

A treaty can not change the Constitution, or be held valid, if it be in violation of that instrument. This results from the nature and fundamental principles of our Government.

And in other cases hereinafter following.

And concerning these two sources of power to acquire territory by the United States, the following decisions of the Supreme Court of the United States are of interest:

In the case of *Insurance Company vs. Canter* (1 Peters, 511), as far back as the year 1828, Chief Justice Marshall said:

The Constitution confers absolutely on the Government of the Union the power of making war and of making treaties; and that consequently Government possesses the power to acquire territory, either by conquest or by treaty. The usage of the world is, if a nation be not entirely subdued, to consider the land of the conquered territory as mere military occupation until its end shall be determined at the treaty of peace. If it be conceded by treaty, the acquisition is confirmed and the conceded territory becomes a part of the nation to which it is annexed, either by the terms of stipulation in the treaty of cession or under such as its new master shall impose.

This view was also asserted in the case of *Shively vs. Bowlby* (152 U. S., p. 49):

The Territories acquired by Congress, whether by deed of cession from the original States, or by treaty with a foreign country, are held with the object, as soon as their population and condition justify it, of being admitted into the Union as States, upon an equal footing with the original States in all respects, and the title and dominion of the tide waters and the lands under them are held by the United States for the benefit of the whole people, and as this court has often said, in trust for the future States.

In the same case the court, summing up its conclusions, adds (p. 57):

Upon the acquisition of a territory by the United States, whether by cession from one of the States, or by treaty with a foreign country, or by discovery and settlement, the same title and dominion passed to the United States for the benefit of the whole people, and in trust for the several States, to be ultimately created out of the territory.

In *Murphy vs. Ramsay* (114 U. S., p. 45) to the same effect it was said:

The power of Congress over the Territories is limited by the obvious purposes for which it was conferred, and those purposes are satisfied by measures which prepare the people of the Territories to become States in the Union.

Mr. Justice Cooley in his *Constitutional Limitations* (p. 36) says, concerning our territorial and the British colonial system, as follows:

There are differences which are important and, indeed, vital. The first of these is that the territorial condition is understood under the Constitution to be merely temporary and preparatory, and the people of the territories, while it continues, are assured of the right to create and establish State institutions for themselves as soon as the population shall be sufficient and the local conditions suitable; while the British colonial system contained no provision or assurances of any but a dependent government indefinitely.

Third. The right to acquire territory is declared to be founded upon the fact that the United States is a sovereign nation, and that the right to acquire territory is an inherent attribute of sovereignty.

That this contention is true within limits, there can be no doubt. The United States, as a nation, has sovereign power to exercise in all the wide fields of the world—subject only to the limitations which are laid down in the Constitution, and inherent in the purposes for which our Government was founded.

The acquirement of territory, under that head, therefore, can only be based upon its necessity or desirability for the purposes of upholding in the territory acquired, as well as at home, the sovereignty of the people—the “consent of the governed,” and the doctrines of political equality.

All territory heretofore acquired, up to the time of the present Administration, has been taken and incorporated into the Union for the expressed purpose of maintaining the principles and forms of our Government wherever the jurisdiction of the United States was extended.

But this doctrine of the sovereignty of the United States as a source of territory-acquiring power, is now by the advocates of the policy pursued by the President in relation to areas recently acquired from Spain, distorted into the claim, as recently set forth in argument in the Senate of the United States, that:

The United States is a nation; that as a nation it possesses every sovereign power not reserved in its Constitution to the States or to the people; that the right to acquire territory was not reserved, and is, therefore, an inherent sovereign right; that it is a right upon which there is no limitation and with regard to which there is no qualification; that in certain instances the right may be inferred from specific clauses in the Constitution, but that it exists independent of these clauses; that in the right to acquire territory is found the right to govern it; that as the right to acquire is a sovereign and inherent right, the right to rule is a sovereign right not limited in the Constitution.



This right of inherent sovereignty in the Federal Government is clearly denied by the limitations of the Constitution, as by repeated decisions of the courts hereinbefore cited.

The citation of cases on this contention, in view of what has preceded, is unnecessary. Concerning the term "sovereignty," however, the following will be of interest:

In the case of *Chisholm vs. Georgia* (2 Dall., 419), the controversy involved was whether the power of sovereignty resides in the people of the United States as a whole or in the States, respectively, or in the people of the States severally. Justice Wilson said:

To the Constitution of the United States the term "sovereign" was totally unknown. There is but one place where it could have been used with propriety. But even in that place it would not perhaps have comported with the delicacy of those who ordained and established that Constitution. They might have announced themselves "sovereign people of the United States;" but, serenely conscious of the fact, they avoided the ostentatious declaration.

\* \* \* \* \*

Let the state be considered as subordinate to the people.

Concerning this term Daniel Webster also said:

We mislead ourselves often by using terms without sufficient accuracy or terms not customarily found in the Constitution and laws. The term "sovereign" or "sovereignty" does not occur in the Constitution of the United States. It does not speak of the Government as a "sovereign government." It avoids studiously the application of terms that might admit of different views; and the true idea of the Constitution of the United States is that powers are conferred on the legislature not by general vague description, but by enumeration. The Government of the United States holds no powers which it does not hold as powers enumerated in the Constitution or as powers necessarily implied. (Works, Vol. V, p. 389.)

And again:

The sovereignty of government is an idea belonging to the other side of the Atlantic. No such thing is known in North America. Our governments are all limited. In Europe sovereignty is of feudal origin, etc. But with us, all power is with the people. They alone are sovereign, and they erect what governments they please, and confer on them such powers as they please. None of these governments is sovereign in the European sense of the word, all being restrained by written constitutions. (Works, Vol. III, p. 469.)

Inherent sovereign power is in the people alone. All power not granted to the Federal Government remains in the people or in the State, respectively. No such sovereign power to acquire territory has been delegated by the people to the Government, or to any branch of it. It can not be implied from the powers granted in the Constitution, and does not exist in fact. The right by the new doctrine claimed, is the same right claimed by England, Germany, Russia and other monarchical, autocratic

and despotic governments. Inherent sovereign power is power not derived. The doctrine of inherent sovereign power of a government is first cousin to the "divine right of kings." The sovereignty of the government instead of the sovereignty of the people, is the necessary consequence of the abandonment of the doctrine of the "consent of the governed," and comes as a natural step in the progress of the Administration towards the fulfillment of the purpose now so openly avowed.

Granting that the United States is a nation, and that under the Constitution it has power to acquire territory, it follows that territory can only be acquired to be held under the same form and principles of government here established. To hold otherwise would result in the incorporation into all departments of our Government, the executive, the legislative and judicial, of principles hostile to and inconsistent with the purposes for which our Government was established—destructive both of the form and spirit of our institutions. The upholding of a colonial system abroad means the end of self-government here.

## V.

### **The Power of Congress to Govern Area or Territory of the United States.**

The Constitution, in enumerating the powers granted to the Government, specifically sets forth those to be exercised by Congress. It follows, therefore, that the mere statement in the Constitution of the particular things about which Congress may or may not legislate, demonstrates that it does not have unlimited authority of legislation.

Article IV, Section 3, Clause 2, of the Constitution, is as follows:

The Congress shall have power to dispose of and make all needful rules and regulations respecting the territory or other property belonging to the United States; and nothing in this Constitution shall be construed as to prejudice any claims of the United States, or of any particular State.

On the face of this grant of power to Congress, it appears that it related to the government of the territory then held by the United States which had been ceded to the same by the individual States. That part of the clause providing that "nothing in this Constitution shall be so construed as to prejudice any claims of the United States, or of any particular State," would indicate that the power granted to Congress related to territory at that time belonging to the United States, and about which

there might be contentions between the parties ceding the same and the United States concerning boundaries or other matters.

It must be also clear from an examination of the history of that period of our national existence, and, as it is hoped, from the matters hereinbefore cited, that this grant of powers to Congress was limited as to the area, and limited to the temporary authority to be exercised merely until statehood should be attained throughout the same.

It is claimed, however, that the authority thus conferred upon Congress gave that body the right to govern the areas subsequently taken into the jurisdiction and limits of the United States—and that it there remains. This provision of Article IV, Section 3, Clause 2, is claimed to be a basis for the authority of Congress over all areas to-day within the jurisdiction of the United States, whether on this or the Eastern Hemisphere. If this contention is true, it follows from the grant of powers conferred upon the Congress by the provision cited, there can be derived therefrom no other or greater power than was contained in the terms of the original grant, to govern the Northwest Territory. This provision was limited then by the circumstances and purpose outlined in the grant, as well as by the limitations of the Constitution itself, as hereinbefore set forth.

It is proposed in the citations which follow to present as many of the leading decisions of the Federal Supreme Court upon the question of the power of Congress to govern the territory or areas within the jurisdiction of the United States, as space will permit. This power to govern follows as a necessary incident of the power to acquire or possess. Hence, the authorities cited will apply to all sources whereby possession of territory was gained by the United States. It will include not only the power derived from the provision of the article above cited, but also from the other sources of power hereinbefore mentioned, viz: (1) The power to declare and maintain war; (2) The power to acquire territory by treaty; (3) The power derived from the fact that the United States is a nation. It will also include the incidental source of power, if any there be, to be argumentatively derived from that provision in the Constitution regarding the admission of new States in the Union.

As preliminary to the authorities to be cited, the following from Justice Cooley's "Principles of Constitutional Law" (p. 36) will be of interest:

**The Territories.** The Constitution was made for the States, not for Territories. It confers power to govern Territories, but in exercising

this the United States is a sovereign dealing with dependent territory, according as in its wisdom shall seem politic, wise and just, having regard for its own interest as well as those of the people of the Territories.

It is believed, however, that the securities for personal liberty which are incorporated in the Constitution were intended as limitations of its powers over any and all persons who might be within its jurisdiction anywhere, and that citizens of the Territories as well as citizens of the States may claim the benefit of its protection.

In this dependence of the Territories upon the central government, there is some outward resemblance to the condition of the American colonies under the British crown; but there are some differences which are important, and, indeed, vital. The first of these is that the territorial condition is understood under the Constitution to mean merely temporary and preparatory, and the people of the territory, while it continues, are assured of the right to create and establish State institutions for themselves so soon as the population shall be sufficient and local conditions suitable; while the British colonial system contains no promise or assurance of any but a dependent government indefinitely.

That the people of the American Territory are guaranteed all the benefits of the principles of constitutional right which protect life, liberty, property, and may defend them under the law even as against the action of the Government itself; while in the colonies these principles were subjects of dispute, and, if admitted, would be within the control of an absolute imperial legislature which might overrule them at will.

Of the decisions of the courts concerning the power of Congress over territories or lands of the United States, the memorable one made in the case of *Scott vs. Sanford*, "the *Dred Scott case*," is the great source of contention and authority. In some respects it is the most important case ever decided by our courts. It is probable that it did much to precipitate the inevitable struggle of our civil war.

As is well known, the Constitution was not all that its great founders intended it to be. The conditions of their day forced into it concessions that recognized slavery as a social institution, to be permitted in this land for a time at least. The decision in the "*Dred Scott Case*" (19 Howard, 393) recognized that institution within the lines of the Constitution as it was; but the rising spirit of opposition to slavery itself as a thing hateful and unworthy to be tolerated in our Government, overturned that decision in part. It took, however, the most gigantic war of modern times to effect that result, and a final amendment to the Constitution to destroy slavery here forever.

The impartial student of Constitutional law is, at this day, forced to admit the weight of the argument upon which was based, in that decision, the recognition of property right of one man in his fellow-man under the terms of the Constitution as it was. That the majority of the court were constitutionally

wrong upon that part of the decision, now forever overruled by the results of the civil war and the passage of the Thirteenth Amendment, as an abstract question is still debatable.

But the remaining doctrines of that case concerning the powers of Congress to legislate and control territory of the United States have been repeatedly sustained by subsequent decisions of our courts, and stand to-day authoritative upon that question. Moreover, these doctrines were laid down with the concurrence of all the Justices of the Supreme Court, for it was only upon the property right involved in slavery that the minority of that court dissented. -

In brief, the case arose upon the question of the Constitutionality of the act passed by Congress in 1820, which declared that slavery shall be forever prohibited in all that part of the territory ceded by France under the name of Louisiana, which lies north of 36° 30", North Latitude, and not included within the limits of Missouri. The court held the act not to be warranted by the Constitution, and therefore void.

Concerning the power to acquire territory and the power of Congress thereover, Chief Justice Taney, rendering the decision of the court, said as follows (Scott vs. Sanford; 19 Howard, 432 et seq.):

There is certainly no power given by the Constitution to the Federal Government to establish or maintain colonies bordering on the United States or at a distance to be ruled and governed at its own pleasure, nor to enlarge its territorial limits in any way except by the admission of new States. That power is plainly given, and if a new State is admitted it needs no further legislation by Congress, because the Constitution itself defines the relative rights and powers and duties of the State and the citizens of the State and the Federal Government. But no power is given to acquire a territory to be held and governed permanently in that character.

The power to expand the territory of the United States by the admission of new States is plainly given, and in the construction of this power by all the departments of the Government it has been held to authorize the acquisition of a territory not fit for admission at the time, but to be admitted as soon as its population would entitle it to admission. It is acquired to become a State, and not to be held as a colony and governed by Congress with absolute authority.

\* \* \* \* \*

As there is no express regulation in the Constitution defining the powers which the General Government may exercise over the person and property of a citizen in a Territory thus acquired, the court must necessarily look to the provisions and principles of the Constitution and its distribution of powers for the rules and principles by which its decision must be governed. Taking this rule to guide us, it may be safely assumed that citizens of the United States who migrate to a Territory belonging to the people of the United States can not be ruled as mere colonists dependent upon the will of the General Government, and to be governed by any laws it may think proper to impose.

The principle upon which our governments rest, and upon which alone they continue to exist, is the Union of States, sovereign within their own limits, etc., and bound together as one people by a general government, possessing certain enumerated powers, etc., and exercising supreme authority within the scope of the powers granted to it throughout the dominion of the United States. A power therefore in the General Government to obtain and hold colonies and dependent territories over which they might legislate without restriction would be inconsistent with its own existence in its present form. Whatever it acquires it acquires for the benefit of the people of the several States, who created it. It is their trustee, acting for them and charged with the duty of promoting the interests of the whole people of the Union in the exercise of the powers specifically granted.

\* \* \* \* \*

But some form of civil authority would be absolutely necessary to organize and preserve civilized society and prepare it to become a State, and what is the best form must always depend on the condition of the Territory at the time, and the choice of the mode must depend upon the exercise of a discretionary power by Congress acting within the scope of its constitutional authority and not infringing upon the rights of persons or rights of property of the citizens who might go there to reside, or for any other lawful purpose. It was acquired by the exercise of this discretion and it must be held and governed in the like manner until it is fitted to be a State.

But the power of Congress over the person or property of a citizen can never be a mere discretionary power under our Constitution and form of government. The powers of the government and the rights and privileges of the citizens are regulated and plainly defined by the Constitution itself. And when the Territory becomes a part of the United States, the Federal Government enters into possession in the character impressed upon it by those who created it.

It enters upon it with its powers over the citizen strictly defined and limited by the Constitution, from which it derives its own existence, and by virtue of which alone it continues to exist and act as a government and sovereign. It has no power of any kind beyond it; and it can not, when it enters a Territory of the United States, put off its character and assume discretionary or despotic powers which the Constitution has denied to it.

It can not create for itself a new character separate from the citizens of the United States and the duties it owes them under the provisions of the Constitution. The Territory being a part of the United States, the Government and the citizen both enter it under the authority of the Constitution, with their respective rights defined and marked out; and the Federal Government can exercise no power over his person or property beyond what that instrument confers, nor lawfully deny any right which it has reserved.

A reference to a few of the provisions of the Constitution will illustrate this proposition.

For example, no one, we presume, will contend that Congress can make any law in a Territory respecting the establishment of religion, or the free exercise thereof, or abridging the freedom of speech or of the press, or the right of the people of the Territory peaceably to assemble and to petition the government for the redress of grievances.

Nor can Congress deny to the people the right to keep and bear arms, nor the right to trial by jury, nor compel anyone to be a witness against himself in a criminal proceeding.

These powers, and others, in relation to rights of persons, which it is not necessary here to enumerate, are, in express and positive terms, denied to the General Government; and the rights of private property have been guarded with equal care. Thus the rights of property are

united with the rights of person, and placed on the same ground by the Fifth Amendment to the Constitution, which provides that no person shall be deprived of life, liberty and property without due process of law. And an Act of Congress which deprives a citizen of the United States of his liberty or property merely because he came himself or brought his property into a particular Territory of the United States, and who had committed no offense against the laws, could hardly be dignified with the name of due process of law.

So, too, it will hardly be contended that Congress could by law quarter a soldier in a house in a Territory without the consent of the owner, in time of peace; nor in time of war, but in a manner prescribed by law. Nor could they by law forfeit the property of a citizen in a Territory who was convicted of treason, for a longer period than the life of the person convicted; nor take private property for public use without just compensation.

The powers over person and property of which we speak are not only not granted to Congress, but are in express terms denied, and they are forbidden to exercise them. And this prohibition is not confined to the States, but the words are general, and extend to the whole territory over which the Constitution gives it power to legislate, including those portions of it remaining under Territorial government, as well as that covered by States. It is a total absence of power everywhere within the dominion of the United States, and places the citizens of a Territory, so far as these rights are concerned, on the same footing as the citizens of the States, and guards them as firmly and plainly against any inroads which the General Government might attempt, under the plea of implied or incidental powers. And if Congress itself can not do this—if it is beyond the power conferred on the Federal Government—it will be admitted, we presume, that it could not authorize a territorial government to exercise them. It could confer no power on any local government established by its authority, to violate the provisions of the Constitution.

In that part of the opinion of the majority of the court which held that in the territory in question property in slaves could be permitted, Justice McLean and Justice Curtiss dissented. But in that part of the opinion which related to the power to acquire territory by the United States, and the power of Congress to govern the same (except as to the prohibiting of slave-holding therein), they concurred with the opinion as rendered by Chief Justice Taney.

In his dissenting opinion Mr. Justice McLean said (*Id.*, pp. 540-2):

In the discussion of the power of Congress to govern a Territory, in the case of the Atlantic Insurance Company vs. Canter (1 Peters, 511; 7 Curt., 885), Chief Justice Marshall, speaking for the court, said: "In regard to the people of Florida, they do not, however, participate in political power; they do not share in the Government until Florida shall become a State. In the meantime Florida shall continue to be a Territory of the United States, governed by virtue of that clause in the Constitution which empowers Congress to make all needful rules and regulations respecting the territory or other property belonging to the United States;" and adds: "Perhaps the power of governing a Territory belonging to the United States which has not, by becoming a State, acquired the means of self-government, may result necessarily from the fact that it is not within the jurisdiction of any par-

ticular State, and is within the power and jurisdiction of the United States. The right to govern may be the inevitable consequence to acquire territory. Whichever may be the source whence the power is derived, the possession of it is unquestioned." And in the close of the opinion the court said: "In legislating for them (the Territories) Congress exercises the combined powers of the General and State governments." \* \* \* Did Chief Justice Marshall, in saying that Congress governed a Territory by the exercise of the combined powers of the Federal and State governments, refer to unlimited discretion—a government which can make white men slaves? Surely such a remark in the argument must have been inadvertently uttered. On the contrary, there is no power in the Constitution by which Congress can make either white or black men slaves. In organizing the government of a Territory, Congress is limited to means appropriate to the attainment of the constitutional object. No powers can be exercised which are prohibited by the Constitution or which are contrary to its spirit; so that whether the object may be the protection of the persons and property of purchasers of the public lands, or of communities who have been annexed to the Union by conquest or purchase, they are initiatory to the establishment of State governments, and no more power can be claimed or exercised than is necessary to the attainment of the end. This is the limitation of all the Federal powers.

And as to what constitutes the territorial limits of the United States, he said (*Id.*, pp. 543-6):

The sovereignty of the Federal Government extends to the entire limits of our territory; should any foreign power invade our jurisdiction it would be repelled. There is a law of Congress to punish our citizens for crimes committed in districts of country where there is no organized government. Criminals are brought to certain Territories or States designated in the law for punishment. Death has been inflicted in Arkansas and Missouri on individuals for murders committed beyond the limit of any recognized Territory or State; and no one doubts the jurisdiction was rightfully exercised. If there be a right to acquire territory, there necessarily must be an implied power to govern it. \* \* \*

I would here simply remark that the Constitution was framed for our whole country. An expansion or contraction of our territory requires no change in the fundamental law. \* \* \*

If the great fundamental principles of our Government are never to be settled there can be no lasting prosperity. The Constitution will become a floating waif on the billows of popular excitement. \* \* \*

(*Id.*, p. 542):

In organizing the government of a Territory Congress is limited to means appropriate to the attainment of the constitutional object. No powers can be exercised which are prohibited by the Constitution or which are contrary to its spirit, so that, whether the object may be the protection of the persons and property of purchasers of the public lands or of communities who have been annexed to the Union by conquest or purchase, they are initiatory to the establishment of State governments, and no more power can be claimed or exercised than is necessary to the attainment of the end. This is the limitation of all the Federal powers.

And Mr. Justice Curtiss in his dissenting opinion said (*Id.*, pp. 613-4):

As was said by Chief Justice Marshall in the *American Insurance Company vs. Canter* (1 Peters, 542), the Constitution confers absolutely on the Government of the Union the power of making war and of making treaties, consequently that Government possesses the power of ac-



quiring territory either by acquisition or treaty. (See *Sere vs. Pitot*, 6 French, 336.) And I add, it also possesses the power of governing it when acquired, not by resorting to supposititious powers nowhere found described in the Constitution, but expressly granted in the authority to make all needful rules and regulations respecting the territory of the United States. \* \* \*

If, then, this clause does contain a power to legislate respecting the territory, what are the limits of that power? To this I answer, that in common with all the other legislative powers of Congress, it finds limits in the express prohibitions on Congress not to do certain things; that in the exercise of the legislative power Congress can not pass an ex post facto law or bill of attainder, and so in respect to each of the other prohibitions contained in the Constitution.

As to the purpose for which territory may be acquired, he said (*Id.*, p. 615):

The subject-matter is the territory of the United States out of the limits of every State, and consequently under the exclusive power of the people of the United States. Their will respecting it, manifested in the Constitution, can be subject to no restriction. \* \* \*

(*Id.*, 620-1):

To engraft on any instrument a substantive exception not found in it must be admitted to be a matter attended with great difficulty. And the difficulty increases with the importance of the instrument and the magnitude and complexity of the interests involved in its construction. To allow this to be done with the Constitution upon reasons purely political renders its judicial interpretation impossible, because judicial tribunals, as such, can not decide upon political considerations. Political reasons have not the requisite certainty to afford rules of judicial interpretations. They are different in different men; they are different in the same man at different times. And when a strict interpretation of the Constitution according to the fixed rules which govern the interpretation of laws is abandoned and the theoretical opinions of individuals are allowed to control its meaning, we have no longer a Constitution; we are under the government of individual men, who for the time being have power to declare what the Constitution is according to their own views of what it ought to mean. When such a method of interpretation of the Constitution obtains, in place of a republican government with limited and definite powers, we have a government which is merely an exponent of the will of Congress.

\* \* \* \* \*

(*Id.*, p. 615):

Since, then, this power was manifestly conferred to enable the United States to dispose of its public lands to settlers, and to admit them into the Union as States when in the judgment of Congress they should be fitted therefor; since these were the needs provided for; since it is confessed that government is indispensable to provide for those needs, and the power is to make all needful rules and regulations respecting the Territory, I can not doubt that this is a power to govern the inhabitants of the Territory by such laws as Congress deems needful until they obtain admission as States.

Justice Campbell in the same case, concurring opinion, speaking of unlimited powers claimed by Congress, said (*Id.*, pp. 510-13):

Could it have been the purpose of Washington and his illustrious associates, by the use of ambiguous, equivocal and expansive words, such as "rules," "regulations," and "territory," to reestablish in the Con-

stitution of their country that fort which had been prostrated amid the toil and with the sufferings of seven years of war? Are these words to be understood as the Norths, the Grenvilles, Hillsboroughs, Hutchinsons, and Dunmores—in a word, as George III would have understood them—or are we to look for their interpretation to Patrick Henry or Samuel Adams, to Jefferson and Jay and Dickinson, to the sage Franklin, or to Hamilton, who from his early age was engaged in combating British constructions of such words? \* \* \*

The disunion between Great Britain and her colonies originated in the antipathy of the latter to the "rules and regulations" made by remote power respecting their internal policy. In framing the Constitution this fact was ever present in the minds of its authors. The people were assured by their most trusted statesmen "that the jurisdiction of the Federal Government" is limited to certain enumerated objects which "concern all members of the Republic." \* \* \*

The feudal system would have recognized the claim made on behalf of the Federal Government for supreme power over persons and things in the Territories as an incident to this title—that is, the title to dispose of and make rules and regulations respecting it. The Norman lawyers of William the Conqueror would have yielded an implicit assent to the doctrine that a supreme sovereignty is an inseparable incident to a grant to dispose of and make all needful rules and regulations respecting public domain.

But an American patriot in contrasting the European and American systems may affirm that European sovereigns give lands to their colonists, but reserve to themselves the power to control their property, liberty and privileges; but the American Government sells the lands belonging to the people of the several States (i. e., United States) to their citizens who are already in possession of personal and political rights which the Government did not give and can not take away. And the advocates of Government sovereignty in the Territories have been compelled to abate a portion of the pretensions originally made in its behalf and to admit that the constitutional prohibitions upon Congress operate in the Territories. But a constitutional prohibition is not requisite to ascertain the limitation upon the authority of the several departments of the Federal Government. Nor are the States or the people restrained by any enumeration or definition of their rights or liberties.

Justice Catron also said (*Id.*, 527):

Congress can not do indirectly what the Constitution prohibits directly.

In Pomeroy's Constitutional Law (p. 492) the doctrine laid down by the courts is enunciated without qualification, as follows:

But is Congress absolute over these districts or Territories? Is it, like the British Parliament, bound by no limitations save those which are self-imposed? This can not be; nor does the language of the Constitution require a construction so much opposed to all our ideas of civil polity. The safeguards of individual rights—those clauses which preserve the lives, liberty and property of the citizen from the encroachments of arbitrary power—must apply as well to that legislation of Congress which is concerned exclusively with the District of Columbia or with the Territories as to that which is concerned with the States. The reasoning which leads to this conclusion is irresistible. A bill of rights is certainly no less important for the District of Columbia and for the Territories than for that portion of the nation which is organized into States.

If it were thought necessary that Congress should be hedged round with restrictions while it is legislating for the inhabitants of States, who may be partially protected by their local governments, how much more necessary that the same body should be restrained, while legislating for the inhabitants of those districts and Territories over which it has an exclusive control. The mandatory clauses of the first eight amendments are clothed in the most general language; they make no exceptions; they apply to Congress in the exercise of all its functions; in general terms they cover its legislation for the District of Columbia and for the Territories as well as for the States. These clauses must therefore be compulsive upon Congress when it makes laws for the District or for the Territories, unless the general language in which they are framed is modified by the particular language of the provisions which especially relate to the District and to the Territories. There is evidently nothing contradictory between these provisions and the general restrictions of the bill of rights.

In the same work (p. 238) the author declares that the first eight amendments "are binding with equal force upon the legislative, the executive and the judiciary," and that—

Furthermore, as the clauses in question are mandatory and peremptory in their nature, and directed at once to each branch of the Government, they require no statute of Congress, decision of judge, or act of President to execute them and give them binding efficacy. They execute themselves without the aid of an inferior law. Any proceeding of the Government in derogation of their command would be void; any proceeding declaratory would be useless.

And also, *Id.*, p. 498 :

The position assumed by the court, that Congress in the exercise of its legislative functions for the Territories is bound by the restrictive clauses of the Bill of Rights, can not be successfully attacked. Indeed, it can make no difference whether that body proceeds under the express grant of Article IV, or under its power implied in the capacity to acquire and hold additional soil. In either case it is equally hedged round and trammelled by the safeguards of individual rights that are contained in the first eight amendments.

And in *Thompson vs. Utah* (170 U. S., 347), Mr. Justice Harlan, delivering the opinion of the court, said :

That the provisions of the Constitution of the United States relating to the right of trial by jury in suits at common law apply to the Territories of the United States, is no longer an open question. (*Webster vs. Reid*, 11 How., 437, 460; *American Publishing Company vs. Fisher*, 166 U. S., 464, 468; *Springville vs. Thomas*, 166 U. S., 707.) In the last-named case it was claimed that the Territorial legislature of Utah was empowered by the organic act of the Territory of September 9, 1850 (9 Stat. 453, chapter 516), to provide that unanimity of action on the part of jurors in civil cases was not necessary to a valid verdict. This court said: In our opinion the seventh amendment secured unanimity in finding a verdict as an essential feature of trial by jury in common-law cases, and the act of Congress could not impart the power to change the constitutional rule, and could not be treated as attempting to do so.

In *Reynolds vs. United States* (98 U. S., 145), Mr. Chief Justice Waite, delivering the opinion of the court, said :

Congress can not pass a law for the government of the Territories which shall prohibit the free exercise of religion. The first amend-

ment to the Constitution expressly forbids such legislation. Religious freedom is guaranteed everywhere throughout the United States, so far as Congressional interference is concerned.

And Chief Justice Waite rendered the unanimous decision of the Supreme Court in the case of *National Bank vs. Yankton* (101 U. S., p. 133), and the court there said:

All Territories within the jurisdiction of the United States not included in any State must necessarily be governed by or under the authority of Congress. The Territories are but political subdivisions of the outlying dominion of the United States. Their relation to the General Government is much the same as that which counties bear to the respective States, and Congress may legislate for them as a State does for its municipal organizations.

The organic law of a Territory takes the place of a constitution as the fundamental law of the local government. It is obligatory on and binds the Territorial authorities; but Congress is supreme, and for the purposes of this department of its governmental authority has all the powers of the people of the United States, except such as have been expressly, or by implication, reserved in the prohibitions of the Constitution.

And Chief Justice Marshall, in *Blake vs. Loughborough* (5 Wheaton, 317), said:

The power, then, to lay and collect duties, imposts, and excises may be exercised, and must be exercised, throughout the United States. Does this term designate the whole or any particular portion of the American empire? Certainly this question can admit of but one answer. It is the name given to our great Republic, which is composed of States and Territories. The District of Columbia or the territory west of the Missouri is not less within the United States than Maryland or Pennsylvania; and it is not less necessary, on the principles of our Constitution, that uniformity in the imposition of imposts, duties and excises should be observed in the one than the other.

When doctors disagree—leave the patient to nature and the fresh air of liberty. This comment is applicable to the *Mormon Church Case vs. The United States* (136, U. S., p. 42, 1889). The advocates of the colonial policy of the present Administration are wont to stand with both feet upon the decision of the court in that case—and at the same time endeavor to successfully wave the flag of the United States.

The case arose concerning the enforcement of the laws against polygamy in Utah. The question was as to the power of Congress to interfere with the practices of the Mormon Church under their incorporation as a civil body, and also as to the disposition of the property of that corporation—whether or not it was forfeited to the Government. In giving the decision of the court, Justice Bradley declared as follows:

The power of Congress over the Territories of the United States is general and plenary, arising from and incidental to the right to acquire the territory itself, and from the power given by the Constitution to make all needful rules and regulations respecting the territory or the property belonging to the United States.

It would be absurd to hold that the United States had power to acquire territory, and no power to govern it when acquired. The power to acquire territory other than the territory northwest of the Ohio River, which belonged to the United States at the adoption of the Constitution, is derived from the treaty-making power and the power to declare and carry on war. The incidents of those powers are those of national sovereignty and belong to all independent governments. The power to make an acquisition of territory by conquest, by treaty, and by cession is an incident of national sovereignty. The right to govern may be an inevitable consequence of the right to acquire territory. Whatever may be the source whence the power is derived, the possession of it is unquestioned.

This decision is almost the only case in all the decisions of our Supreme Court which, except by the most labored and strenuous efforts, can be cited with satisfaction by the advocates of the theory that unlimited Congressional power over territory of the United States is granted under the Constitution. "The right to govern," they say, "may be an inevitable consequence of the right to acquire territory. Whatever may be the source whence the power is derived, the possession of it is unquestioned." Granting the premises contained in the language above quoted, it does not follow that the "right to govern" is in any way to be exercised unconstrained by the limitations of the Constitution. Indeed, Justice Bradley himself in that very connection quotes with approval the language of Mr. Justice Matthews in the case of *Murphy vs. Ramsey* (114 U. S. Reports), which was a case relating to the legislation of Congress over the Territory of Utah. This is what Justice Matthews said, which was approvingly quoted by Justice Bradley:

The people of the United States, as sovereign owners of the national Territories, have supreme power over them and their inhabitants. In the exercise of this sovereign dominion they are represented by the Government of the United States, to whom all the powers of the Government over that subject have been delegated, subject only to such restrictions as are expressed in the Constitution or are necessarily implied in its terms.

It is true that in the *Mormon Church* case the court added:

Doubtless Congress in legislating for the Territories would be subject to those fundamental limitations in favor of personal rights which are formulated in the Constitution and its amendments; but these limitations would exist rather by inference and the general spirit of the Constitution, from which Congress derives its powers, than by any express and direct application of its provisions.

But this opinion thus given by Justice Bradley was not shared by all of the Justices of the Supreme Court, and a dissenting opinion was filed by Chief Justice Fuller and concurred in by Justices Fields and Lamar. This opinion of the minority of the court, as a protest to the steps whereby Justice Bradley's conclusions were obtained, brings one into the air of the de-

mocracy of Jefferson, and is at once refreshing and inspiring, and should be read by every Democrat in the land (Id., p. 67). It is as follows:

I am constrained to dissent from the opinion and judgment just announced. Congress possesses such authority over the Territories as the Constitution expressly or by clear implication delegates. Doubtless territory may be acquired by the direct act of Congress, as the annexation of Texas; by treaty, as in the case of Louisiana; or, as in the case of California, by conquest and afterwards by treaty; but the power of Congress to legislate over the Territories is granted in so many words from the Constitution. (Art. IV, Sec. 3, cl. 2.)

And it is further therein provided that "Congress shall have power to make all laws which shall be necessary and proper for carrying into execution the foregoing provisions, and all other powers vested by the Constitution in the Government of the United States, or in any department or office thereof."

In my opinion Congress is restrained not merely by the limitations expressed in the Constitution, but also by the absence of any grant or power, expressed or implied, in that instrument. And no such power as that maintained in the act of Congress under consideration is conferred by the Constitution, nor is any clause pointed out as its legitimate source.

I regard it of vital consequence that absolute power should never be conceded as belonging under our system of government to any one of its departments. The legislative power of Congress is delegated and not inherent, and therefore is limited. I agree that the power to make needful rules and regulations for the Territories necessarily comprehends the power to suppress crime; and it is immaterial even though that crime assumes the form of a religious belief or creed. Congress has the power to extirpate polygamy in any of the Territories, by the enactment of a criminal code directed to that end; but it is not authorized under the cover of that power to seize and confiscate the property of persons, individuals, or corporations without office found because they have been guilty of similar practices.

If the property was accumulated for purposes declared illegal, that does not justify its arbitrary disposition by judicial legislation. In my judgment, its diversion under the act of Congress is in contravention of specific limitations in the Constitution; unauthorized expressly or by implication, or by any of its provisions; and in disregard of the fundamental principle that the legislative power of the United States as exercised by the agents of the people of the republic is delegated and not inherent.

The power of Congress to govern areas of the United States not included in any State is derived from and incident to the power of the United States to acquire territory. The latter power is limited by the purposes for which our Government is formed and the spirit of our institutions. Hence the former, the power to govern, is necessarily likewise limited and can not be an arbitrary or uncontrolled authority. It must be exercised strictly in accordance with the fundamental principle of liberty for which the Government was instituted, the "consent of the governed," and the political equality of all men.

The power of Congress to govern such areas can not be absolute, even if derived from Article IV, Section 3, Clause 2, of the

Constitution, "the power to dispose of and make needful rules," etc., since that power was conferred upon Congress to be exercised over the outlying areas then held by the United States, and was temporary in its nature. That article, however, by analogy affords a guide to the exercise of Congressional authority over any and all areas acquired by the United States, viz, that the powers shall be exercised for the purpose of bringing about statehood and the incorporation of such areas into the Union at the earliest practicable moment.

"We the people," etc., says the preamble of the Constitution, in order to "secure the blessings of liberty to ourselves and our posterity, do ordain and establish this Constitution for the United States of America." No purpose therein appears to hold colonies, or to maintain any colonial system anywhere on either side of the globe. Such purpose would not be consistent with that preamble or with the principles of the Declaration or of the Constitution. No exercise of arbitrary power can be tolerated in Congress or any branch of our Government. All power is derived from the people and limited by the Constitution, and the authority thus derived is the very breath and life of Congressional action, beyond which it is powerless to go or to exist. All questions of the "extension of the Constitution" over any areas within the jurisdiction of the United States, by act of Congress, are the superfluity of logic and the refinement of falsity. Congress is wholly the creature of the Constitution—and the creature is circumscribed by the omnipotence of the creator.

Concerning the construction of the Constitution, the following appears in Chief Justice Cooley's *Constitutional Limitations* (p. 57):

The fundamental purpose in construing a constitutional provision is to ascertain and give effect to the intent of the people in adopting it.

Get at the thought in it, as it is written, give effect to the whole instrument, interpret clauses by methods presuming words to have been employed in their natural and ordinary meanings.

Courts will not read into the instrument some unexpressed general policy or spirit, supposed to underlie and prevail the instrument and to render it convenient to the genius of the institution of the State.

But courts will not ignore the general spirit of the instrument in construing the provisions actually contained therein.

In *People vs. Harding* (53 Michigan, 458), he also said:

Constitutional provisions must be interpreted with reference to the times and circumstances under which the constitution was formed; the general spirit of the times and the prevailing sentiment among the people. Every constitution has a history of its own, which is likely to be more or less peculiar; and unless interpreted in the light of this

history it is liable to be made to express propositions which never were in the minds of the people when agreeing to it.

It can not for a moment be imagined that the founders of the Constitution in granting, either directly in expressed terms, or by implication to be derived from any or all the provisions of that instrument, ever contemplated vesting uncontrolled power in Congress or any branch of the Government. Is it to be imagined that they who revolted against a colonial system intended to provide in the new system of government which they erected for power therein to hold and rule colonies? Such a conclusion is unthinkable by any of their descendants, or by any person who holds dear the principles of liberty declared and fought for in the days of '76.

And yet the following appears in the report of the Secretary of War (1899), page 26, voicing the opinion of the present Administration upon that question:

I assume, for I do not think it can be successfully disputed, that all acquisition of territory under this treaty was the exercise of a power which belonged to the United States because it was a nation, and for that reason was endowed with the powers essential to national life, and that the United States has all the powers in respect of a territory which it has thus acquired, and the inhabitants of that territory, which any nation in the world has in respect of territory which it has acquired; that as between the people of the ceded islands and the United States the former are subject to the complete sovereignty of the latter, controlled by no legal limitations except those which may be found in the treaty of cession; that the people of the islands have no right to have them treated as States, or to have them treated as the territories previously held by the United States have been treated, or to assert a legal right under the provisions of the Constitution which was established for the people of the United States themselves and to meet the conditions existing upon this continent, or to assert against the United States any legal right whatever not found in the treaty.

This report of the Secretary of War reeks with the fetid air of the Old World throne rooms. The White House is enveloped in a London fog. The report needs not and deserves not a reply—other than a kick.

The founders of the Republic gave their lives to the upholding here of the principles of self-government. They established liberty here, because they believed in it, and were worthy of it themselves. They would not submit to foreign sovereignty. Will we impose on others alien rule under the flag of the United States?

Shall the flag be borne there and the Constitution be left behind? Shall our soldiers there slay men who fight to uphold the doctrine of the "consent of the governed?" Shall American manhood there perish in warfare carried on in defiance of the principles of the Declaration of Independence?



## DAY DREAMS, BANQUETS, AND ANGLO-AMERICAN ALLIANCE.

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For generations the hopes of the English-speaking masses on the far side of the Atlantic have gone out toward the West. On this side, memory has turned back to the motherland with heart-beats unceasing. Westward and Eastward the current sets from day to day, and life to life—all potent for brotherhood and peace! The aspirations and affections of two great peoples constant span the watery waste.

The white cliffs disappear in the mist of tears, but the face of the mother, the memory of the cottage and fireside there left, lingers in the heart of the immigrant to our shores, and lives in the song, the story, and in the instincts of his descendants here. Between the masses of these great peoples in the Old and the New World can be only fellowship and love.

The alliance of kindred, of speech, of common inheritance of history, and common inspiration of hope—this is the day dream of English-speaking peoples everywhere—and for this the alliance of rulers and governments is not needed nor looked for. Unity of purpose is, perhaps, the great peace fact of the future—but it will come through peace, and peace alone.

But of late, much has been heard of Anglo-American alliance—of “Union Jack and Stars and Stripes,” strangely seen through smoke of battle, side by side, backed by roaring cannon and ravage of death, all conquering around the world. What alliance is this? Whence comes it—and who proclaims it? What bodes it—democracy or death to liberty?

It comes from banquet-room—from the feasts and revelry of aristocracy always. Gilded flies of royalty buzz it about—and power of wealth and privilege are behind it. A new vision this, and born of pressing need of Caste—doomed and to be destroyed!

Portents and shadows appear in the history of the past three years. World forces surge and resurge across the seas, and dash against the thrones. An Empire is tottering, and the aristocracy of Old England and the monopolists of our own land are uniting

against the shock. This is the birth of the Anglo-American alliance.

The proposition for this alliance first arose in the early days of our war with Spain. The large amount of Spanish bonds held in France and other continental countries of Europe, which would probably become uncollectable if Spain should be defeated in the struggle, was of more or less influence in the apparent desire of such European governments to aid Spain if it could be undertaken with regard for their own safety.

That during the Spanish war there was, or could be, any concerted action of hostility towards this country on part of the continental powers, has been sufficiently denied both by the officials of foreign governments, as well as by our own. But the manifest friendly acts of the British Government toward this country during that war has emphasized the desire of that government to secure what has been termed the "Anglo-American Alliance." The interests of the British Government at that time lay in securing the friendship and aid of the United States in the maintaining of British ascendancy in China and the East against what appeared to be the possible joint resistance of Russia and other European powers. Here was the opportunity for British statesmanship to manifest a friendship toward this country that might tend to the alliance so plainly necessary in that struggle that the British Government so clearly foresaw must sooner or later come.

This plan has for its inspiration, however, the greed of British money and commercial interests to maintain by our aid their policy of colonial exploitation and conquest around the globe. It is not based upon race affinities or friendships, or plans for peace and liberty. It means, on the contrary, a state of constant readiness for war; and, indeed, the carrying on of warfare that even now appear to be inevitable; in which shall be gained the support of the armies and navies of the United States.

A look beneath the surface will show that this new-born friendship of the British Government for the United States means war, not peace—war to be jointly carried on by the allied governments to maintain the commercial greed and imperialistic rule of the English aristocracy and the allied interests of monopoly around the world. The following banquet speeches and other statements of leading British statesmen make evident this intention. The first of these banquet speeches was made by the Right Hon. Joseph Chamberlain, Secretary of State for the Colonies, at the meeting of the Liberal Unionists of Birming-

ham, England, on the evening of May 13, 1898—a fortnight after the sinking of the Spanish fleet in Manila Bay. It was in part as follows (From London Times of May 14, 1898):

I am glad that the people of the country are turning their attention to this question of foreign policy, which in the past they have sometimes thought had nothing to do with them. It would be a great mistake to suppose so, because you must recognize that there is, and there has been for some time past, a combined assault by the nations of the world upon the commerce and supremacy of this country, and if that assault were successful our existence would be menaced in a way in which it never has been threatened since the time, at the very beginning of the century, when the great Napoleon attempted to levy an interdict upon British trade.

Now, the first point I want to impress upon you is this. It is the crux of the situation. Since the Crimean war, nearly fifty years ago, the policy of this country has been a policy of total isolation. We had no allies—and I am afraid we had no friends. That is not due altogether to the envy which is undoubtedly felt at our success; it is due in part to the suspicion that we are acting in our own interests, and were willing that other people should draw the chestnuts out of the fire for us; that we would take no responsibilities, whilst we were glad enough to profit by the weakness of others.

In this way we have avoided entangling alliances. We have escaped many dangers; but we must accept the disadvantages that go with such a policy. As long as the other great powers of Europe were working for their own interest, and were separately engaged, I think the policy we have pursued—consistently pursued—was undoubtedly the right policy for the country. It was better we should preserve our liberty of action than become involved up with quarrels with which possibly we had no concern.

But now in recent years a different complexion has been placed upon the matter. A new situation has arisen, and it is right the people of this country should have it under their consideration.

All the powerful states of Europe have made alliances, and as long as we kept outside these alliances, as long as we were envied by all, and as long as we have interests which at one time or another conflict with the interest of all, we are liable to be confronted at any moment with a combination of great powers that not even the most extreme, the most hot-headed politician would be able to contemplate without a certain sense of uneasiness. That is the situation which I want you to have in view, when you are considering the result of the foreign policy of any government in the country. We stand alone and we may be confronted with such a combination as I have indicated to you. What is the first duty of a government under these circumstances?

I say without hesitation our first duty is to draw all parts of the empire into close amity, and our next is to maintain the bonds of permanent unity with our kinsmen across the Atlantic. They are a powerful and a generous nation. They speak our language, they are bred of our race. Their laws, their liberties, their standpoint upon every question, are the same as ours; their feelings, their interest in the cause of humanity and the peaceful development of the world are identical with ours. I do not know what the future has in store for us. I do not know what arguments may be possible with us, but this I know and feel—that the closer, the more cordial, the fuller, the more definite those arrangements are with the consent of both peoples, the better it will be for both and for the world. And I will go so far as to say that terrible as war may be, even war itself would be cheaply purchased if in a great and noble cause the Stars and Stripes and the

Union Jack should wave together over an Anglo-Saxon alliance. It is one of the most satisfactory results of Lord Salisbury's policy that in the present time these great nations understand each other better than they ever have done since over a century ago when they were separated by a blunder of the English government.

Speaking further concerning the non-interference of Great Britain in behalf of Armenia and Crete, and saying that it was not for the British interest to interfere, Mr. Chamberlain continued as follows:

In the course of the last four months our interest has shaped further eastward still, to China, where undoubtedly vaster, greater interests are at stake.

Everybody has foreseen that for many, many years it was the persistent ambition and the continuous policy of Russia to extend her Eastern domain southwards, to have a free-ice port for her trade, and an ice-free harbor for her safety. \* \* \* But nobody was prepared for the total collapse of China in the Japanese-China war.

We have in future to count with Russia in China, or we have with Russia in Afghanistan, and with this difference, that in China we have no defensive frontier. \* \* \* Now, what does history show us? It shows us that unless we are allied to some great military power, as we were in the Crimean war, when we had France and Turkey as our allies, we can not seriously injure Russia, although it may be that she can not seriously injure us.

If that is the case, it is the case which deserves the serious consideration of the people of the country. It is impossible to overestimate the gravity of the issue. It is not a question of a single port in China—that is a very small matter. It is not a question of a single province; it is the question of the whole fate of the Chinese Empire, and our interests in China are so great, our proportion of the trade is so enormous, and the probabilities of that trade are so gigantic that I feel no more vital question has ever been presented for the discussion of a nation, and for my part I have tried to-night to state clearly and without exaggeration the condition of the problem that we have before us. I think you will see that it is complicated enough to preclude all hasty judgment.

If the policy of isolation which has hitherto been the policy of this country is to be maintained in the future, then the fate of the Chinese Empire may be, and probably will be, hereafter decided without reference and in defiance of our interests. If, on the other hand, we are determined to enforce the policy of the "open door," to preserve an equal opportunity for trade with all our rivals, then we must not allow jingoes to drive us into a quarrel with all the world at the same time, and we must not reject the idea of an alliance with that power whose interests are most nearly approximate to our own.

The London Times of May 14, 1898, commenting editorially on Mr. Chamberlain's Birmingham speech, said:

Mr. Chamberlain was assured beforehand of the approval of the whole body of the Unionists when insisting that we must draw closer the tie binding the colonies. It is also a foregone conclusion that the opportunity should be seized of establishing permanent relations of amity and something more with the United States, whose success in the operations that have lately taken place have been welcomed here as not only justified by the goodness of the cause, but as a tribute to the practical capacity of the Anglo-Saxon race in the business of war, even when no adequate preparation for the struggle had been made.

The London Standard of same date also comments on the speech as follows:

There is not the smallest reason to suppose that his conclusions are not shared by every member of the Cabinet. They had been anticipated by most men who had tried to look below the surface of diplomacy, and the special quality which he has implied was the emphasis of conciliation.

We are liable at any moment to be confronted by a combination of all the European powers. The contingency should not be dismissed as impossible merely because it would be strikingly unpleasant. Already we have endeavored with no small success to draw all parts of our vast empire together in the firm determination to cooperate for the common defense; nor can it be said that there is anything lacking in our feeling of regard and friendship for the great national community on the other side of the Atlantic.

Lord Salisbury at a banquet given by the Lord Mayor on November 9, 1899, after the signing of the Protocol with Spain, and just before the signing of the Peace Treaty, said:

I will say that I have noted as one of the cheering symptoms of the present time, the happy relations existing between the United States and ourselves, and the sympathy with which we watch their approach toward the same great problems that we ourselves have had to solve.

The day following the Salisbury speech at the Lord Mayor's banquet, our Ambassador to England, Joseph H. Choate, at a banquet of the Sir Walter Scott Club in Edinburgh, Scotland, said:

Truly your country and mine are connected by bonds of sympathy that were never stronger and closer than at this very hour. I can assure you that Lord Salisbury's generous and cordial words at the Lord Mayor's banquet yesterday will meet with a quick and hearty response beyond the Atlantic. It has been said by a great thinker that "Peace hath her victories not less renowned than war," and this iron-clad friendship which now prevails between these two kindred nations is her latest and grandest victory. It means not merely peace between your country and mine, but among all the great nations of the earth; and it tends, by advancing civilization, to promote the welfare of the whole human race.

The Duke of Fife, the son-in-law of the Prince of Wales, to the New York Journal said:

I cordially share the desire for peace and amity among nations. There is nothing which can conduce more effectually to that happy end than a hearty and complete understanding on all international questions between the two great peoples which have sprung from the Anglo-Saxon race.

The Marquis of Lorne, the son-in-law of Queen Victoria, said to the same paper:

About two months ago I spoke at Sheffield in favor of an alliance with America. I have for many years done my best to strengthen our friendship for your country, for our joint trade interest with foreigners point to such a policy as natural and gainful to both English-speaking countries.

The Duke of Newcastle also said:

I have always felt great admiration and affection for the United States, and shall gladly welcome an alliance between them and my own country; but the difficulties in the way of this most desirable combination appear to be considerable. However, sooner or later the alliance will be accomplished, and in order that the time of waiting may not be unduly prolonged, it is earnestly to be hoped that the governments of both countries will carefully avoid everything which could give rise to misunderstandings.

In his statement to the Commission, General Whittier stated as follows, upon the topic of governmental or colonial control of the Philippines by the United States Government (Doc. 62, p. 503):

I will digress here to say that the British at Manila, at Hongkong, Singapore—all over the East—are more than anxious we shall hold the islands. There is such a contrast in the expression of good will and admiration of our country with the feelings of only a few years ago. It seems to me that every day for the last six weeks some Englishman has said to me in the strongest terms, "There should be an Anglo-American alliance."

Lucy M. Garnett, an Englishwoman (Doc. 62, p. 606), also in her article hereinbefore cited, says:

As the Philippines are situated, I can not but agree with the politicians who think it would be impossible for Great Britain to allow these islands to come into the possession of any other great power than the United States or ourselves.

## COMMERCE—ASIATIC TRADE AND THE WORLD'S TRADE— THE OPEN DOOR AND THE DOOR SHUT.

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What man wants is the measure of ambition. What man has is the consummation of the same. Between the want and the attainment lies the motive for trade. Differences of race instinct, climate and environment are also potent factors of demand and supply in the world's commerce.

And yet, the volume of trade between those branches of the human family that are the nearest akin in inheritance and civilization, is the largest. Likewise, the channels of commerce run, for the most part, along the parallels of longitude instead of following the meridian lines. The tropics furnish luxuries and adornments to the men of the temperate zone, but the great necessities of life for the latter are not sought for by the men of the former. The natural exchange of products and commodities takes place between those who are race neighbors, as it were. Add to this the supreme consideration that trade lives only in the atmosphere of peace and good feeling, and survives not warfare and hatred, and the philosophy of commerce is unfolded.

It is to be observed that the greater volume of our trade to-day is wholly within our own borders. Those who are part and parcel of ourselves furnish, in the pressing demands of industrial life, the vast market for the consumption and interchange of home products. There are no markets in all the wide world that can equal or compare with this. It is based upon similar conditions and desires.

Next to our internal home trade comes that which we have with those peoples who are nearest to us in race characteristics, and who live in similar climatic conditions and civilizations.

And following that, and smallest of all of the volume of our trade, is that which we carry on with unlike peoples who live in unlike climes and in widely divergent civilizations from our own.

Commerce is the harmony of civilizations—the full song of the wants of man and the proffers of brotherhood. Commerce is the harbinger of peace, and to base trade upon conquest is an absolute violation of the law of nature. And yet, that is what the present Administration seeks to do.

Those who are the most zealous in support of the policy of the Administration toward the Philippine people, whenever argument is had regarding the same, always take refuge in the alleged magnificent possibilities of our trade with the Orient, and in the necessity of bearing the flag onward in advance of trade, and of keeping wide swung in the dim portals of the Chinese Empire the "Open Door." This latter term, indeed, is the all-potent phrase at whose utterance bow the Genii of "benevolent assimilation," and who thereupon bear the Administration and the whole American people instantly into unimagined realms of bliss. This "pipe dream" of prosperity to come from trade with the Orient vanishes in the light of facts, and in the inexorable contrasts of civilizations.

It is not to be attempted here to present the details, or outlines even, of the world's commerce, or that of our own country. Columns of figures often bring on headaches; and statistics make most people seasick. A few facts taken from the Bureau of Statistics, Treasury Department of the United States, and from a study of that subject made by that eminent and painstaking statistician, Edward Atkinson, hereinafter follow.

The following facts concerning the trade of the Philippine Islands with all the rest of the world during the year 1896 are taken from the report of Bureau of Commerce, Department of State (Summary of Nov., 1899, p. 1315):

Total imports into the islands from all countries of the world \$9,174,093  
Total exports from the islands to all countries of the world 19,702,819

With some of the various countries this commerce was as follows:

Countries.	Imports from Philippines.	Exports to Philippines.
Great Britain .....	\$6,223,426	\$2,063,598
France .....	1,990,297	359,796
Germany .....	223,720	774,928
Belgium .....	272,240	45,660
Spain .....	4,819,344	4,973,589
Japan .....	1,332,300	92,823
China .....	56,137	97,717
United States .....	4,383,740	94,597

The details of the trade between the United States and the Philippines for the year 1897 as there given (p. 1367), are as follows:



## IMPORTS FROM THE PHILIPPINES TO THE UNITED STATES.

Hemp .....	\$2,701,651
Cane sugar (not above 16).....	1,199,202
Fiber (not hemp).....	384,155
Fiber (vegetable) .....	22,170
Straw, mfg. of.....	72,137
Tobacco .....	2,338
Miscellaneous .....	1,087

Total ..... \$4,383,740

## EXPORTS FROM THE UNITED STATES TO THE PHILIPPINES.

Cotton, mfg. of .....	\$2,114
Oils, mineral refuse of.....	45,908
Varnish .....	2,239
All other .....	44,286

Total ..... \$94,547

And yet, in the same year, 1897, the United States Treasury report shows concerning the trade of the United States with the Dominion of Canada, a people of kindred race and civilization to our own, living in similar climatic conditions—our neighbors, in fact, in all regards—as follows:

Exports from the United States to Canada (1897).....	\$72,728,616
Imports to United States from Canada .....	39,348,106

This shows an export from the United States to Canada for 1897 of over seven hundred times as great as we exported in that year to the Philippines in that period—and we slaughtered nobody in all the Dominion of Canada that year, and waved no flags thereover, and issued no proclamations of “benevolent assimilation” to the inhabitants thereof whilst carrying on this commerce.

The details of that Canadian trade show that our trade to Canada was largely made up of manufactured goods, of which the four principal varieties were bicycles, shoes, cotton goods and furniture.

Moreover, Canada takes nearly twice as much from us as she does from Great Britain, in spite of the presence in her domain of the British flag and the British colonial government. In the year 1896, of all the imports that went into Canada, 29 per cent came from Great Britain and 52 per cent came from the United States.

There are unlimited opportunities for peaceful expansion of trade with Canada. It is probable if a vote were to be taken in this country and in Canada upon a proposition for the incorporation of the latter into the Union, it would be carried by large majorities. In spite of artificial barriers and restrictive tariffs,

this trade increases rapidly. In 1899 the total amount of all our exports to all of British America, including Canada, was \$82,597,577—a per capita purchase of the whole population of \$18 apiece.

Ample room exists also for the peaceful expansion of trade with the country next south of us, Mexico. Our trade with Mexico long has been and still is restricted by reason of the still-surviving memories of war carried on between the two countries a half century ago, and yet the following are the statistics of trade with Mexico for the year 1897, exclusive of gold and silver imports:

Exports from United States to Mexico.....	\$21,061,152
Imports to United States from Mexico.....	19,650,099

As for our trade with the people of South America, which without war and by the arts of peace can be vastly increased, since they are now purchasing from across the Atlantic commodities that we produce; and we also need their products, of which we now buy largely more than the value of the things that we sell to them, the figures for the year ending June 30, 1899, are as follows:

Exports from United States to South America .....	\$35,068,301
Imports from South America to United States.....	73,453,399

A glance now at the figures of our trade for the year ending June 30, 1899, with the European nations, peoples with similar civilization and climatic conditions, shows the following:

Exports from the United States to all Europe (1899).....	\$925,165,326
Imports to United States from all Europe.....	353,884,534

Of the details of this European trade it appears that those people buy the most of us who are nearest our kin, as it were, in language, civilization and environments. Our trade with the United Kingdom of Great Britain was as follows (year ending June 30, 1899):

Exports from United States to Great Britain .....	\$505,668,925
Imports to United States from Great Britain.....	118,488,217

Great Britain, with a population of about one-tenth that of all Europe, buys of us more than one-half of all our exports to all Europe. Her dependent colonies in various parts of the world, including Canada, took of our exports additional goods amounting to about \$150,000,000 worth that year (1899).

But now, during the period ending with the fiscal year June 30, 1899, our trade with the rest of the world, exclusive of that

portion of the Western Hemisphere which has been stated above, was as follows:

Exports from the United States to Asia (including China and the Philippines).....	\$48,097,214
Imports to United States from Asia.....	107,091,214
Exports from United States to Oceanica.....	\$29,408,500
Imports to United States from Oceanica .....	26,997,508
Exports from United States to Africa .....	\$18,562,416
Imports to United States from Africa.....	10,436,060

Range up the figures of our exports to Canada stated above, \$72,728,616, alongside of the figures of our exports to all Asia as stated above, \$48,097,214, and we find the former exceeds the latter by 50 per cent. Furthermore, place the figures of our export trade to Great Britain alone (\$505,668,925) by the side of our export trade figures with Asia (\$48,097,214), and we see that the beef-eaters of the British Isles buy and use up more than ten times as much of our products in a year as do all the countless millions of Asia.

As for the paltry trade of the Philippine Archipelago, as shown above, we bought in 1897 of hemp and sugar and a few other things there, about \$4,000,000 worth of its products, and sold there of our products a total of \$94,547. Since the sending into those islands of 65,000 of our soldiers our exports to the Philippines reached in 1899 the total of about \$400,000, in the main consumed by our own people there. As a commercial enterprise, the possession of the Philippines is, and always will be, a colossal failure. The millions already spent in the carrying on of war in the Philippines could not possibly be regained by all the profits of that trade in the next half century. The loss of life of our own soldiers, the sighs of wives and mothers here, and there in the Philippines also, incalculably outweigh all considerations of commercial gain as a motive for the warfare carried on, and to be carried on, in the Philippines under the policy of the present Administration.

But it is urged that the Philippines must be held in order to gain and maintain trade with China—a trade that is said to be of inestimable value to us, or to any nation that can control it. What are the facts about this claim?

It is true that China has a population greater than that of any other nation in the world. And it is also true that the purchasing power of the Chinese people is less than that of any other nation. Her population swarms within her borders like rats; and like rats, their condition is that of almost constant hunger and skeleton-like destitution. It is only by the practice

of the most extraordinary and persistent labor that the great mass of the Chinese people can exist at all. It is always a proverb there that when a man or woman is idle, some one must go hungry and unsheltered. Such has been the condition of China for countless centuries—such it will continue to be in a land where there is always a surplus of the cheapest labor in the world.

Population alone is not sufficient to make a great market. The power to buy the surplus that remains in the hand of labor after the bare necessities of existence are provided for out of the wage or product, is the great essential of trade. The following facts regarding the per capita purchasing of our products in the various countries of the world are stated by Edward Atkinson, and are suggestive of near-by actualities in contrast with the far-away possibilities of commerce:

Our neighbors in Canada bought of us last year at the rate of about \$18 per head of the population of the Dominion.

Disregarding fractions and allowing for a margin of error by using the larger estimates of population, our kin beyond the sea in Great Britain and Ireland bought of us thirteen dollars (\$13) per head of their population.

The English-speaking people of Australia about five dollars (\$5) per head.

The inhabitants of the British West Indies about five dollars (\$5) per head.

The people of Germany, the Netherlands and Belgium about four dollars (\$4) per head.

The combined population of all the Latin-American states—South and Central America, Mexico, Cuba, and other West Indies—numbering in all about 65,000,000, bought of us only at the rate of one dollar and forty cents (\$1.40) per head.

Mexico, having established peace and order, heads the list at two dollars (\$2) per head.

South America, even including British Guiana, varies but a trifle from one dollar (\$1) per head, her purchase and our sales amounting to \$35,660,932, which may be contrasted with the purchase of British North America at about eighteen dollars (\$18) per head, amounting to \$89,573,609. In ratio to persons, \$18 each to Canada, \$1 each to South America.

We may now take up the much-sought but greatly overestimated markets of the East.

Japan leads proportionately in purchases per head. Her population of about 40,000,000, now established as an independent nation after a long period of intestine struggles, bought of us a little over seventeen million dollars' worth (\$17,000,000) of goods, at the rate of a little over forty (40) cents each.

China, including Hongkong, under English rule, computed to contain over 400,000,000 people, bought \$22,225,965 worth of our products, at the rate of between 5 and 6 cents per head.

The British East Indies, computed to contain 250,000,000, took \$4,341,936, or a little over 1½ cents' worth each.

Lastly, we reach the Philippine Islanders, about 8,000,000 in number or more, in 1897, bought a total of \$100,000 worth of our products, or about one-tenth of one cent apiece, one mill, in fact.

We exported to China in the year ending June 30, 1899, goods and products amounting in value to \$14,437,422 only, as against one billion dollars' worth of goods and products exported by us in that year to Great Britain, France, Germany and the Netherlands alone. The great bulk and value of the things China buys of us are crude materials, such as kerosene oil, benefiting the Standard Oil trust solely; lumber, enriching the lumber trust, and tending to the destruction of our forests; and of our cotton goods and fabrics, the small quantities there sold are of the coarsest, cheapest quality, as consumers can only buy that grade. The small quantities of food products shipped to China do not go further than to a few of the seaports, and are mostly consumed by foreign residents there.

Besides the capacity to buy foreign goods, regard must be had to the willingness of the people to change their habits of life for foreign ways, in order to consume goods from abroad. Viewed in that light, China is the poorest market in the world for our products and wares.

Now, concerning the Chinaman, it is to be considered that above all ancestry is the supreme end of existence. In other words, backward, and not forward, look the slant-eyed Mongolians, and dreams of the past hover roundabout all his ways. What have we who root up the ancestral tombs so that the fiery, snorting dragons may run shrieking on rails of steel across the land, to offer in the way of trade to one who worships ancestors?

For unnumbered ages, the shirt of John has fluttered uncontrolled to the breeze. Is it now to be "tucked in" after the manner of "foreign devils," and in defiance of the plan laid down in Confucian philosophy! We have in port, say, a shipload of shirts, with high "chokers" and cuffs pertaining to the same. Four hundred million Chinamen wearing, say, one Yankee shirt a year at a dollar a shirt makes the magnificent Asiatic trade in shirts in China alone of \$400,000,000—and the Philippines as yet untouched. But John "no wear shirtee"—John "no buy shirtee!" Is there in all China a native who will buy and there wear one? No market is found for shirts (or, indeed, for any kind of garment made in all the Western world) and Troy, N. Y., is enveloped in gloom. Fashions established before the foundations of the Pyramids were laid determine the fabric and cut of everything John wears from the crown of his shaven head to his wooden-shod sole.

But, surely, China will now have done with rice and buy our surplus wheat—for is not, even now, our flour trade increasing

in the Orient? Another vagary of statistics! For consumption by Europeans located in certain seaports there, some American flour is shipped; but the ancestors ate not flour—the sacred chopsticks are not made for pancakes, biscuits and ham and eggs—and rice is, and rice will be the great staple in China for the next fifty million years, at least.

The fact is, the customs of that race, whose history antedates the records of all other civilizations, are changeless, and will endure as long as the race endures. The growth of commerce will be proportionate to the number of foreign residents in the seaports, and to the slight changes that may take place in the habits of a very select few of the Chinese people there residing also.

This is the market to secure the "Open Door," for which the present Administration is carrying on a war of conquest in the East. This is the final argument that is supposed to be unanswerable when presented to the American voter.

And yet, if the market were really as magnificent and worth as much as it is claimed to be, it is the boast of the State Department that the "Open Door" has already been obtained for American trade in China by reason of agreements secured by diplomacy from the European nations to keep it open for us at all times. Whatever may be the substantial facts regarding such alleged arrangements, it is clear that no nation in the world could ever afford, upon commercial reasons alone, to attempt to exclude American trade from any "sphere of influence" or port of China whatever. It would be to such a nation a too costly experiment, and would be impossible of achievement by reason of the rivalries among the nations of Europe concerning the balance of power in China. According to Secretary of State Hay, the polite Frenchman, the crafty Russian, the phlegmatic German and all other Europeans are suavely holding wide open the door to-day for entrance of American trade—and hence there is no need of all this warfare now being carried on to secure the same.

In truth, the "Open Door," whatever it may be, is a door open only for syndicates and trusts, and a door shut to American labor. There may be fields for exploitation of China by certain syndicates and combines, but that is all there is. Labor, wage-workers, can have no part therein. The plans for railways and internal improvements in that empire, if carried out, will mean that the great steel and other manufacturing trusts will do in China what they mercilessly do here—control

all the resources of raw material and grind down labor at will. In the cheapest labor market in the world there is no field for the entrance of American labor. On the contrary, by modern methods of production, in time, the resources and labor of China will be used to control labor and to crush out labor organizations here. This will be done in the making of textile fabrics and other manufactures wherein machinery and unskilled, but easily trained, Asiatic labor can be controlled.

In this direction the world will see an industrial revolution within the next quarter century, if present tendencies are maintained. Asiatic labor will then be put to work in Asia, using labor-saving machinery, to produce goods in competition with our own factories. This will be the inevitable consequence and end of the commercial policy of the present Administration. The "Open Door" will swing wide open to let into China the syndicates and to let out their pauper-labor products upon the world; but it will be slammed in the face of the American mechanic and wage-worker. Are the wage-workers of America going to vote to sustain such a policy?



**CHINESE AND JAPANESE LABOR IN THE UNITED STATES.**  
**REPORT OF THE PHILIPPINE COMMISSION UPON**  
**CHINESE LABOR IN THE ARCHIPELAGO.**

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Whoever goes westward from the Mississippi by way of the great routes of travel, finds, long before the tops of the Rockies are in sight, standing by the track at almost every mile distance, clear to the Pacific, in fact, as his train rushes by, groups of Asiatic laborers—Chinese and Japanese. These form the great body of unskilled labor employed to-day on all the Pacific railroads. At every station they are seen loading and unloading the cars; and at night out on the sands of Arizona, or in the forests of Washington, one sees a strange combination of the Old World and the New, electric lights and Chinamen, the latter packing into refrigerator cars just from Chicago, ice brought perhaps a thousand miles away. Everywhere on the Pacific Slope, on all the ranches, in all the orchards and vineyards, in every avenue of labor and in all handicraft, the Asiatic shuts out the white man more and more completely.

California and that great region from the mountains to the Pacific has uncultivated area enough to afford happy homes for twenty million white immigrants, in the most delightful climate and grandest scenery in the world—and yet there are barely to-day in all these States a population of three millions. Two things have combined for the past half century to keep out white immigration so largely to that section—first, monopoly; second, Asiatic labor. Of the two, the latter seems to be the most destructive there to the civilization and manhood of our race. It is impossible to estimate the extent of the curse which the introduction of Chinese labor has brought into the Pacific Slope.

In the center of one of the most magnificent ranches in Central California, the center wherein meet miles of avenues shaded by palms and pines, and trees rare and innumerable, surrounded by flowers and blossoms fragrant with scents all penetrating, in sight of noble arches and towers of a great university of learning, stands a mausoleum, all glorious in architecture, rosy white in the sunshine—and there the birds sing forever, and the voice of the mourning dove is heard through all the day.



Through the grated door the sunlight falls on wreaths of flowers placed upon the two sarcophagi, that of the son cut off in the flower of life, and that of the father, founder of the university, who rests there after a busy life wherein was achieved marvelous success and honor in that land. This vast estate, with other immense areas of the choicest lands and vineyards and ranches in all California, was by that father given to the people of that State for university purposes. And yet, in view of it all, in the presence of the dead, and with knowledge of the munificence of the bequest, no one who has got a glimpse even of the far-reaching injury which the importation of Chinese labor into California has wrought, can say that the influence of that bequest can ever overcome the evil thus inflicted upon the Pacific Slope by the bringing therein of Chinese by him who slumbers there—in Paradise, as it were. That was the mistake of that man's life. Is this injury to be repeated, and still more disastrously and extensively, by the policy of the present Administration? Here is a side of the Philippine problem already of vital importance.

It is to be remembered that all this boasted commerce with the Orient, however vast it may be, is to be carried on by subsidized syndicates and steamship lines; and to-day the lines already established in that commerce employ, from down in the depths of the vessel hold to the topmost mast thereof, almost wholly Asiatic labor—Chinese and Japanese. The day has gone by for commerce to be carried on by independent skippers with ships manned by hardy European or Yankee seamen. Syndicates and Asiatics now control the highways of the Pacific.

Moreover, if we are to "expand" eastward, China and Japan will in their turn, and in their fashion, "expand" westward. Chinese coolies are now hopping over our back fences all along our boundary line from Vancouver to Montreal, and "worming" their way in through every passway from Mexico as well. In spite of exclusion acts of the last ten years, it is probable that with no increase by way of births, and with all the natural decrease due to deaths, there are more Chinamen in this country to-day than there were ten years ago.

As for the Japanese, they come in by the hundreds on every Pacific steamer that touches our ports; and they are now to be found in multitudes of occupations from New York to San Francisco, and from Seattle to New Orleans.

A review of the Chinese question as it affects the Philippines is here added, taken from the testimony submitted to the Com-

mission at Paris, and from the report of the Philippine Commission, and is suggestive of problems to be met in those islands, and which will be extended to our own home consideration if the present policy of the Administration is long continued.

PART X.—THE CHINESE IN THE PHILIPPINES.

(Report Phil. Com., pp. 150-159.)

The Commission states that the Chinese have immemorially traded with these islands, and even before the Spanish dominion was established. The Chinese question, they state, has always been a prominent question with the governors-general. They quote from paper submitted to the home government by Senor Norzari, in which he detailed at length the evils of Chinese being in the Philippines, and in which he said, "One of the most difficult questions remains to be solved on my giving up my command, that of the commerce carried on by the Chinese in the provinces. The clamor against these Asiatics is general in the country because competition against them is not possible." He strongly urges that it would be better for Spain to be impoverished by taking energetic and saving measures against the Chinese than that the Philippines should be ruined by formal commercial absorption.

The Commission set forth somewhat in detail an historical review of a petition and of the measures taken by the Philippines to restrain Chinese immigration. This movement was carried on there in 1888 in much the same way that it was in this country about and prior to that time. The Commission state that the great majority of natives are strongly opposed to Chinese immigration, and that prevailing and pronounced antipathy to the Chinese grows out of the labor competition. The Commission took considerable evidence at Manila to the effect that Chinese should be excluded, and the testimony there taken sets forth in detail the same objections to their immigration as are raised in the United States (p. 155):

It is stated that some years ago nearly all the artisans, such as carpenters, stonemasons, builders, and bricklayers, were natives; but now they are nearly all Chinese.

Furthermore, that the "occupations of the Chinese may be generally classified as follows: (1) Wholesale merchants; (2) retail merchants, silk merchants, shoemakers, druggists, indigo manufacturers, soap-makers, barbers, blacksmiths, carpenters and dealers in notions; (3) water carriers, boatmen, cooks and dealers in firewood; (4) workmen and servants."

They buy up hemp with great diligence, especially in Albay, Leyte, Sebu, Camogin, Misamis, Marinduque, and nearly always get the better of other buyers who are not Chinese.

The Spanish administration also gave them a right to farm out the provincial taxes, and other services offered for public bidding belonging to the state, such as public markets, slaughter-house privileges, fords, the inspection of weights and measures, taxes on carts and horses, cock-pits and places for smoking opium.

The Commission further state that the Chinese commercial supremacy at one time monopolized the tobacco trade; and that they owe their success in commerce to a "comparative protection which can not be destroyed, either by law or by any other measures which may be taken to counteract it."

"In fact," state the Commission, "they succeed everywhere in obtaining the monopoly of wholesale and retail trade, becoming, by the unity of purpose which they possess, the proprietors of mechanical arts and trades in the country. They lend each other cooperative aid, and all work together for the same end; thus forming a vast commercial society with which it is impossible for other merchants, who work separately, to compete."

The Commission, in speaking of the extensive areas in Luzon, Mindola, Mindanao, Palawin, and other islands which are either peopled by wild tribes or uninhabited, and which in many instances are covered by magnificent timber and mineral deposits of great value, say that Chinese labor can there be advantageously employed. They further recommend that the inhabitants of all parts of the Archipelago "should be saved from the necessity of being forced to compete with Chinese labor under conditions such that they can not hope to compete with success; always provided that the legitimate economic development of the country is not thereby retarded.

They further express the opinion that if Chinese immigration to the islands were unrestricted, many hundreds or thousands of Chinese would come to them.

They set forth in their report Article XXVII of the treaty made between Spain and China October 10, 1864, signed in Tientsin, giving to the Chinese all of the rights of the most favored nations. It reads as follows:

Chinese merchant vessels, without limitation as to their number, shall have a right to go to the Philippines and do business with them, and shall be treated as those of the most favored nations. If Spain should later grant other advantages to any other nations Chinese traders shall also enjoy them as traders of the most favored nation.

The Commission conclude the consideration of this topic by the following pathetic and suggestive clause:

"We therefore commend to your careful consideration the question as to how, where, and for what purpose the Chinese should be allowed to enter the Archipelago."

The following is taken from the testimony of General Whittier before the Peace Commission at Paris regarding the Chinese in the Philippines (Doc. 62, p. 509):

Then, the question of the admission of the Chinese, with strong arguments on both sides. The merchants of Manila are unanimous in their representations of the necessity for more coolie labor. They and many others require it in Manila, and think it will be necessary in railroad building, and in the development of the country, saying, "There is no question of competing with American labor here, there being no such in the country, nor can there be, the climate prohibiting that. Cheap labor and plenty of it is the lifeblood of the Philippines. There is room for three to four millions of Chinese comfortably, while 90,000 is the present estimate."

THE CHAIRMAN: Q. Room for them where?—A. In the Island of Luzon. Were any road-making, new railway, or agriculture work being done, a million would be absorbed at once, and next year another million, and so on. This is the argument of those favoring admission.

Taxes on the admission of these could be easily made \$10. In fact, it has been \$40; has run on for years at varying rates, and still the Chinamen will come. I have no doubt that many might be admitted to advantage; probably there should be limitation as to tenure of stay, numbers, and character of employment and pursuits. Then admission will be opposed by the natives, but it is my conviction that they can be brought in this, as in other matters, to look upon it in a reasonable light, after our determination as to what is expedient.

It is probable that all the navy of the United States could not successfully guard the innumerable entrances into the Philippine Archipelago, so as to exclude the coming in there of Chinese hordes whenever they may seek admittance thereto. A very pretty problem will at no distant day vex any administration that maintains the possession of the Philippines under the sovereignty of the flag even of the United States. If the Constitution is entirely disregarded by the present and future Administrative policies; if tariffs are to be levied and taxes imposed beyond the Constitutional limitations; there still remains the principle, inherent in the flag, at least, that a man who is held subject to its jurisdiction has the right of ingress and egress to all areas or territory over which it floats.

Under the Chinese exclusion acts the Chinese are kept out because a nation has an inherent right to exclude foreigners. But the sovereignty of the flag, even in the Philippines, implies that the Chinese already there, or who may secure a residence there at any time, can not be treated as mere foreigners. If they are merely vassals, even as vassals, the right to pass to and fro wherever that flag floats will remain—unless the stars are blotted out thereof, and the stripes fade into nothingness.

## **THE UNION OF CASTE AND MONOPOLY—IMPERIALISM AND MILITARISM—THE PRESIDENT'S GOD FATHER— DEMOCRACY'S PERIL.**

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The Revolution of '76 had for its inspiration the doing away with a privileged class, hereditary rule, caste—monopoly of government. It was not merely a protest against unjust taxation and minor evils of government. It was a declaration for self-government, of the right of the individual to be a part of the sovereign source of legislation—one of the people all-powerful in the making and unmaking of laws for all. It was to be the end of monopoly of government.

The Administration now seeks to reassert monopoly of government—and this under the Stars and Stripes! It makes no difference that this is to be done in far-off islands of the East. Practically it is imperialism there asserted—subjects not citizens are to live thereunder. It is to be domination of home interests by foreign control. The British colonial system once destroyed here is to be reestablished there. It is true no house of lords is to sit and legislate, but executives and councils appointed by the President of the United States are to determine all legislation. The share of legislation to be nominally provided for a selected portion of the inhabitants of the Archipelago is a sham, merely, and meant to be such. Between monopoly of government by hereditary succession or by executive appointment is small difference—the ultimate is the same—a privileged class and a subjugated people.

In England to-day the struggle fast approaching is to maintain the privileged hereditary succession, caste legislation. Here the demand already formulated is to erect monopolistic rule. The Union Jack there, the Stars and Stripes yonder in the Philippines! The needs of aristocracy and the demands of monopoly are identical.

We have seen how inextricably mixed up with the desires of British imperialism is the policy of the present Administration in the Philippines. The demand for empire and control of markets is made in England largely in order to maintain the system of aristocracy and caste privilege. Without constant extension of empire the whole system of aristocracy would crumble; for the masses are restive in Great Britain and demo-

cratic tendencies are there more and more evident. Wars, conquests, glory and glamour and a rousing of so-called "patriotic instinct" is needed in order to hold this tendency in check. Hence, now the British lion roars in the face of the undaunted Boers!

Here the masses are bestirring themselves, ready to strike off the clutches of gigantic monopolies, and to enter into that freedom of industrial organization that democracy demands. Something must be done to prevent the union of forces so apparent and so needful. A war, an appeal to that self-assertive, boastful spirit latent in citizenship to a greater or less degree in all lands, is, to monopoly, a fortuitous possibility. The flag is waved, the greedy commercial interests are aroused, and in the Philippines a war of conquest is being carried on. The Stars and Stripes mean to-day in the Philippines the same thing that the Union Jack means in the Transvaal. Around the globe they are to be borne if the plan outlined by Lord Salisbury and Secretary Chamberlain, and espoused and hoped for by the British aristocracy, is carried out.

The formal alliance planned for may not be openly brought about, but such open alliance is not necessary to make effective the purpose and spirit of English imperialism. The adoption of a commercial policy identical in direction and purpose, and the colonial control of lands in the East by the United States along similar lines as there maintained by Great Britain, will inevitably bring about unity of action and a practical alliance there and throughout all the world by the two nations. The "chestnuts will be pulled out of the fire" by our Government, and in the warfare that is sure to come the army of the United States will march side by side with Her Majesty's forces. As plainly declared in the banquet speeches hereinbefore set forth, and made evident in numberless ways of late, this is the certain line in which runs the purpose of the Administration in the Philippines.

This control of American politics by British interests is no new thing in our history of late. It is the natural result of the vesting here of lands, public utilities and monetary interests in corporations so largely used and controlled by British capital. Monopoly, bred by the granting of special privileges here, has already formed the Anglo-American alliance. That alliance is felt in every corner of the land. It is evident in all the lines of industry and trade, in the control of the great monopolies of transportation, in the production and distribution of the great

necessities of life, and in the censorship of the press and of facts of political importance.

This alliance of wealth, of English pounds and American dollars, has already brought about a change in the structure of our society. Caste is even now established in this country. The Atlantic is no longer a barrier between nations. Cables and steamship lines have brought a relative commercial nearness that is reflected in the social life of the wealthy classes here. Boston and New York are mere suburbs of London as regards the social atmosphere. The manners and ways of the English aristocracy are adopted in our large cities, to a large extent, by the wealthy votaries of fashion, and after them comes the apeing of the same by every hanger-on and hireling of that class.

Monopoly has wealth. Monopoly must have a coat of arms—and daughters are sold, and now we have American "Princesses" and royal (Yankee) dukes.

Democracy can not long endure in the presence of the vast fortunes gained by monopolistic combinations. This power of combination, so vast and far-reaching, is new to the history of the world and has brought dangers that our fathers knew not of. Invisible forces of monopoly drive onward the policy of the Administration, putting into it "curves" of rare eccentricity. "It is our plain duty," said the President but yesterday, "to grant to the people of Porto Rico untrammelled trade." To-day, at the bidding of monopolistic powers, and to make smooth the pathway of imperialism in the Philippines, the same Executive has forced through Congress the passage of an act to maintain in Porto Rico the policy of George III. Thus, it comes about that at the behest of monopoly the policy of the Administration coincides with the policy of English imperialism.

The union of the forces of caste and the forces of monopoly means war, and not peace. It means the destruction of civilizations suited to the conditions and capacities of the yellow and the brown races in the Old World, and the subjugation of these races by the combined forces of American and English greed. The introduction of labor-saving machinery and modern methods of production in China and the East will bring about a displacement of labor, and consequent misery, such as the world has never seen.

Revolts, insurrections of the millions against the Anglo-American powers there established, will ensue. Huge armies will there be maintained to hold in check these forces, and to preserve English and American ascendancy against the combined powers

of Europe. An army abroad means a standing army here, and militarism at home will be the inevitable accompaniment of imperialism thus maintained abroad. No republic can long survive such a policy. The Administration has taken the first step towards the destruction of democracy—so heartily desired by the forces of caste and monopoly; it remains for the American people to determine whether another step shall be taken to that end.

Manifestly, it is not to be supposed that the President of the United States has deliberately undertaken a policy which is evident to him will wreck republican institutions in this land, and which will uphold imperialism around the world. But that the present policy of the Administration, if carried out to the conclusion which is even now apparent, will bring about such results is plain.

Personally, the President is said to be an estimable gentleman, not given to malice, and possessing the benevolent instincts which are a part of his nature. But the President, like Old Dog Tray, is found in very bad company. His political associates for years have been men whose vicious propensities entitle them to be muzzled. Men whose greed is boundless, whose keenness on the trail of wealth no bolts, nor bars, nor laws can restrain. Men who simply want to monopolize the earth—and who, under present tendencies, are in a fair way to do it. They flatter, they fawn, they bulldoze and bewilder the Chief Executive; and as yet no demand of monopoly has been refused by the present Administration. It is not within the power of that Executive to withstand the onslaught of the forces which are behind the present policy.

The bosom friend of the President of the United States is one who is the spirit of monopoly incarnate—the living, breathing personification of monopolistic greed and purpose. The political godfather of President McKinley is well known to the American people, and he is to-day the trusted benefactor of the Administration.

If the Declaration of '76 is now discarded, then will be upheld a new imperialism to take the place of that our fathers overthrew. Then will come the destruction not only of national life, but of individual development here, as well—for self-sovereignty inherent in the evolution of nature has for its sole social aim democracy. Shall that ideal be attained in this age and by this race, or shall it be for the attainment only of a worthier race in a far-off and better day?



**THINGS DONE, AND THINGS NOT DONE—THE PARTY  
PLATFORMS CONCERNING THE PHILIPPINES—  
MR. BRYAN'S VIEWS—THE THING TO DO.**

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The resolution of Congress of April 20, 1898, was a reaffirmation of the principles of the Declaration of Independence and the pledge of the American people that Cuba should have self-government. A similar declaration made by Congress, or any intimation made by the President that such would be the policy of the American Government regarding the Philippine people, would have prevented all warfare and bloodshed on those islands after the surrender of Manila. The whole power of the Administration has been exercised, however, to prevent Congress from making such declaration, or from enacting any legislation affecting that Archipelago. The President's second annual message to Congress on December 5, 1898, was expected to deal with that question. But upon this subject the message contained only the following:

I do not discuss at this time the government or the future of the new possessions which will come to us as the result of the war with Spain. Such discussion will be appropriate after the treaty of peace shall be ratified. In the meantime and until the Congress has legislated otherwise, it will be my duty to continue the military governments which have existed since our occupation and government of the people, security in life and property and encouragement under a just and beneficent rule.

Five days later, on December 10th, the treaty was signed at Paris—although not officially transmitted to the Senate until the 4th of January following. On December 18th (1898) Senator Bacon introduced the joint resolution (S. R. 45), known as the Bacon Resolution, which is as follows:

Resolved, etc., That the Government and people of the United States have not waged the recent war with Spain for conquest and for the acquisition of foreign territory, but solely for the purpose set forth in the resolution of Congress making the declaration of war—the acquisition of such small tracts of land or harbors as may be necessary for governmental purposes being not deemed inconsistent with the same.

Sec. 2. That in demanding and in receiving the cession of the Philippine Islands it is not the purpose of the Government of the United States to secure and maintain permanent dominion over the same as a part of the territory of the United States, or to permanently incor-

porate the inhabitants thereof as citizens of the United States, or to hold said inhabitants as vassals or subjects of this Government; and the United States hereby disclaim any disposition or intention to exercise permanent sovereignty, jurisdiction, or control over said islands.

Sec. 3. That the United States having accepted the cession of the Philippine Islands from Spain, and having by force of arms overthrown all organized authority and opposition to the authority of the United States therein, the duty and obligation rest upon the United States to restore peace and maintain order throughout the same; to protect in said islands the enjoyment of life and property and the pursuit of lawful avocations; and to continue such protection until the power and duty to maintain said protection shall have been transferred and intrusted by the United States to a government of the people of said islands deemed capable and worthy to exercise said power and discharge said duty.

Sec. 4. That when armed resistance to the authority of the United States shall have ceased within said islands, and peace and order shall have been restored therein, it is the purpose and intention of the United States, so soon thereafter as the same can be practically and safely accomplished, to provide the opportunity and prescribe the method for the formation of a government by and of the people of the Philippine Islands, to be thereafter independently exercised and controlled by themselves, it being the design of the United States to accord to the people of said islands the same measure of liberty and independence which have been pledged by the Congress of the United States to the people of Cuba.

Sec. 5. That when a stable government shall, by the method aforesaid, have been duly formed and erected in said islands, competent and worthy, in the judgment of the United States, to exercise the powers of an independent government and to preserve peace and maintain order within its jurisdiction, it is the purpose and intention of the United States, reserving to themselves only such harbors and tracts of land as may be needed for coaling stations or other governmental purposes, to transfer to said government, upon terms which shall be reasonable and just, all rights and territory secured in said islands under the treaty with Spain, and to thereupon leave the dominion and control of the islands to their people.

Sec. 6. That when said government has been thus formed and set up in the Philippine Islands and approved by the United States, it is the design and intention of the United States, through such means and measures as may be deemed most efficient and appropriate, to secure the guaranty of the continued independence of the same.

By this resolution it was sought to assure the Philippine people and the world that no treaty would be made, or steps at any time taken by the Government of the United States which should be false to the principles of the Declaration of Independence, or deprive the former of the right of self-government.

In the discussion of the treaty which followed there was subsequently introduced what is known as the McEnergy Resolution, which is as follows:

By the ratification of the treaty of peace with Spain it is not intended to incorporate the inhabitants of the Philippine Islands into citizenship of the United States, nor is it intended to permanently annex said islands as an integral part of the territory of the United States; but it is the intention of the United States to establish on said islands a government suitable to the wants and conditions of the inhabitants

of said islands, to prepare them for local self-government, and in due time to make such disposition of said islands as will best promote the interests of the citizens of the United States and the inhabitants of said islands.

Pending the discussion of the latter resolution, the following clause of the Bacon resolution was offered as an amendment to the same:

That the United States hereby disclaim any disposition or intention to exercise permanent sovereignty, jurisdiction, or control over said islands, and assert their determination when a stable and independent government shall have been erected there, entitled in the judgment of the United States to recognition as such, to transfer to said government, upon terms which shall be reasonable and just, all rights secured under the cession by Spain, and to thereupon leave the government and control of the islands to their people.

But the amendment was defeated. There were 29 votes in the affirmative and 29 in the negative, and Vice-President Hobart determined the tie against the resolution by voting in the negative. The McEnery resolution was then adopted by a vote of 26 to 22. Mr. Hoar and other anti-imperialists voted against it, on the ground that it gave no assurances as to allowing self-government in the Philippines, but rather the contrary.

The Administration has not sought to make the McEnery resolution effective law by securing its passage through the House and signing the same, but since the ratification of the Peace Treaty, and pending the coming Presidential election, has preferred to hold in abeyance all Congressional action regarding the Philippines upon the plea that an insurrection was there in progress and that Congress should therefore delay all consideration of that problem. Meanwhile, autocratic military rule there prevails, and it is clearly the purpose to extend that rule indefinitely.

To this end, on January 4, 1900, the following resolution was introduced in the Senate by Senator Beveridge, well known to be the representative of the Administration in the matter:

Resolved, etc., That the Philippine Islands are territory belonging to the United States; that it is the intention of the United States to retain them as such and to establish such governmental control throughout the Archipelago as the situation may demand.

This brutal declaration of conquest, and of utter indifference to the rights of the Philippine people and to the principles of the "Declaration of '76," proclaimed the purpose of the Administration, as also outlined in the treaty itself. Imperialism, undisguised, thereby appears as clearly as if announced by the heralds of Alexander or Caesar!

The resolution subsequently introduced, on January 11, 1900, in behalf of the Administration by Senator Spooner, still more clearly reflects the purpose of the Administration, and is as follows:

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled, That when all insurrection against the sovereignty and authority of the United States in the Philippine Islands, acquired from Spain by the treaty concluded at Paris on the 10th day of December, 1898, shall have been completely suppressed by the military and naval forces of the United States, all military, civil and judicial powers necessary to govern the said islands shall, until otherwise provided by Congress, be vested in such person and persons, and shall be exercised in such manner as the President of the United States shall direct for maintaining and protecting the inhabitants of said islands in the free enjoyment of their liberty, property and religion.

This resolution is the next step to be taken by the Administration, if endorsed at the polls in November next; and, in such case, will practically make the President of the United States the virtual Emperor of the Philippines. Congressional action is very largely to-day a reflection of Presidential will. A second term of the present Administration, if secured, will then enthrone "William I" in the Philippines, and entrench still more securely in this country government by Executive.

Concerning the policy to be pursued in the Philippines, the platform adopted by the late Republican convention in Philadelphia is discreetly silent. As at present controlled, that party has lost faith in the principles of the Declaration of Independence, and the platform there adopted presents no sentiment which hints at Constitutional liberty for the Philippine people. All allusion to the issues arising from the attempted occupation of that Archipelago by the United States Government is smothered out in the following plank in that platform—the only one devoted to that subject:

In accepting by the treaty of Paris the just responsibility of our victories in the Spanish war, the President and the Senate won the undoubted approval of the American people. No other course was possible than to destroy Spain's sovereignty throughout the Western Indies and the Philippine Islands. That course created our responsibility before the world and with the unorganized population, whom our intervention had freed from Spain, to provide for the maintenance of law and order, and for the establishment of good government, and for the performance of international obligations. Our authority could not be less than our responsibility, and wherever sovereign rights were extended it became the high duty of the Government to maintain its authority, to put down armed insurrection, and to confer the blessings of liberty and civilization upon all the rescued peoples. The largest measure of self-government consistent with their welfare and our duties shall be secured to them by law.

Regarding the Philippines, the things there done by the present Administration, and the things there left undone, affirm the policy of imperialism which the Republican party will there maintain if continued in power by victory at the polls in November.

It is a significant fact that nowhere in that platform can be found any allusion to the doctrine of the "consent of the governed."

No Democrat that lives, however, is afraid to proclaim the Declaration of Independence always and everywhere. The platform of the Democratic party, adopted at Kansas City, concerning that Declaration, contains the following:

We, the representatives of the Democratic party of the United States, assembled in convention on the anniversary of the adoption of the Declaration of Independence, do reaffirm our faith in that immortal proclamation of the inalienable rights of man and our allegiance to the Constitution framed in harmony therewith by the fathers of the Republic.

We hold, with the United States Supreme Court, that the Declaration of Independence is the spirit of our Government, of which the Constitution is the form and letter.

We declare again that all governments instituted among men derive their just powers from the consent of the governed; that any government not based upon the consent of the governed is a tyranny, and that to impose upon any people a government of force is to substitute the methods of imperialism for those of a republic.

We hold that the Constitution follows the flag and denounce the doctrine that an Executive or Congress, deriving their existence and their powers from the Constitution, can exercise lawful authority beyond it or in violation of it.

We assert that no nation can long endure half republic and half empire, and we warn the American people that imperialism abroad will lead quickly and inevitably to despotism at home.

And as to the Philippines, the following plank of that platform proclaims the thing to do—and which will be done if the cause of Democracy prevails in the coming Presidential contest:

We condemn and denounce the Philippine policy of the present Administration. It has involved the Republic in unnecessary war, sacrificed the lives of many of our noblest sons and placed the United States, previously known and applauded throughout the world as the champion of freedom, in the false and un-American position of crushing with military force the efforts of our former allies to achieve liberty and self-government.

The Filipinos can not be citizens without endangering our civilization; they can not be subjects without imperiling our form of government, and as we are not willing to surrender our civilization or to convert the Republic into an empire, we favor an immediate declaration of the nation's purpose to give to the Filipinos, first, a stable form of government; second, independence, and third, protection from outside interference, such as has been given for nearly a century to the republics of Central and South America.

The greedy commercialism which dictated the Philippine policy of the Republican Administration attempts to justify it with the plea

that it will pay, but even this sordid and unworthy plea fails when brought to the test of facts. The war of criminal aggression against the Filipinos, entailing an annual expense of many millions, has already cost more than any possible profit that could accrue from the entire Philippine trade for years to come. Furthermore, when trade is extended at the expense of liberty the price is always too high.

We are not opposed to territorial expansion when it takes in desirable territory which can be erected into States in the Union and whose people are willing and fit to become American citizens.

We favor expansion by every peaceful and legitimate means, but we are unalterably opposed to seizing or purchasing distant lands to be governed outside the Constitution, and whose people can never become citizens.

We are in favor of extending the Republic's influence among the nations, but believe that influence should be extended not by force and violence, but through the persuasive power of a high and honorable example.

The importance of other questions now pending before the American people is in no wise diminished, and the Democratic party takes no backward step from its position on them, but the burning issue of imperialism, growing out of the Spanish war, involves the very existence of the Republic and the destruction of our free institutions. We regard it as the paramount issue of the campaign.

This plank is in accord with the policy contended for ever since the signing of the Peace Treaty of December 10th (1898), by that great Democrat whose sagacity and courage have placed him in the leadership of the now aroused and united Democracy of the land.

On the day following the signing of the Peace Treaty Mr. Bryan, at Savannah, Ga., in an interview advocated the following course:

Some think that the fight should be made against ratification of the treaty, but I would prefer another plan. If the treaty is rejected, negotiations must be renewed, and instead of settling the question according to our idea we must settle it by diplomacy, with the possibility of international complications. It will be easier, I think, to end the war at once by ratifying the treaty, and then deal with the subject in our own way. The issue can be presented directly by a resolution of Congress declaring the policy of the nation upon this subject. The President, in his message, says that our only purpose in taking possession of Cuba is to establish a stable government, and then turn that government over to the people of Cuba. Congress could reaffirm this purpose in regard to Cuba and assert the same purpose in regard to the Philippines and Porto Rico. Such a resolution would make a clear-cut issue between the doctrine of self-government and the doctrine of imperialism. We should reserve a harbor and coaling station in Porto Rico and the Philippines in return for services rendered, and I think we would be justified in asking the same concession from Cuba.

In the case of Porto Rico, where the people have as yet expressed no desire for an independent government, we might with propriety declare our willingness to annex the island if the citizens desire annexation, but the Philippines are too far away and their people too different from ours to be annexed to the United States, even if they desired it.

Shortly thereafter, in a letter to the New York Journal, Mr.

Bryan gave more in detail, as follows, reasons for his views upon the situation regarding the Philippines:

I suggest below a few reasons in support of a resolution declaring it to be the nation's purpose to establish a stable government in Cuba and the Philippines, and then to give the inhabitants independence under an American protectorate which will guard them against molestation from without. First, such a course is consistent with national honor. Our nation owes it to the nations with which we have dealings, as well as to the inhabitants of Cuba, Porto Rico and the Philippines, to announce immediately what it intends to do respecting the territories surrendered by Spain. \* \* \*

The duty of declaring our national policy in regard to the Philippines is even more imperative. The Filipinos were fighting for independence when the United States declared war against Spain. In the formal protest filed with the Peace Commissioners in Paris, the representatives of Aguinaldo assert that they received friendly assurances from the United States officials and acted upon those assurances in cooperating against the Spaniards. Whether or not such assurances were given, frankness and honesty should characterize our dealings with them.

If we announce that we hold the Philippine Islands, not for pecuniary profit, but in trust for the inhabitants; if we declare that our only purpose is to assist the Filipinos to establish a stable and independent government, friendly relations will be maintained and there will be little need of troops.

If, on the other hand, the Filipinos are not to have independence, but merely change of masters, we should break the news to them at once and send over a large army to instruct them in the principles of a government which in one hemisphere derives its just powers from the consent of the governed and in the other derives its authority from superior force. \* \* \*

Even a Republican Congress ought to be able at once to choose without hesitation between a policy which establishes a republic in the Orient and a policy which sows the seeds of militarism in the United States.

Second, a resolution declaring the nation's purpose presents a plain and clear-cut issue between the theory of self-government and the colonial policy. It presents a positive affirmative method of dealing with the question. In opposing the treaty we should be on the defensive. In outlining a policy we shall be aggressive. The strongest arguments which could be used in support of the treaty will lose their force entirely when Spain is eliminated and the American people are able to dispose of the question according to their own ideas and interests.

Third, it secures, by easier means, every end that can be secured by a rejection of the treaty.

Shortly after the first firing of hostile shots between the American and the Philippine forces at Manila, he, in a speech at Ann Arbor, Mich., said as follows:

Some of the advocates of a colonial policy have sought to lay upon those who opposed the ratification of the treaty the responsibility for the recent bloodshed at Manila. While I believed, and still believe, that it was better to ratify the treaty and make the fight for Philippine independence before the American people rather than through diplomatic negotiations with Spain, I deny that the Senators who opposed ratification were in any way responsible for the commencement of hostilities.

The responsibility rests not upon those who opposed the treaty, but upon those who refused to disclose the nation's purpose, and left the Filipinos to believe that their fight against Spain, instead of bringing them independence, had only brought them a change of masters. It was the desire to be independent that led the Filipinos to resist American authority, and their desire for independence was not inspired by any American opposition to the terms of the treaty. It will be remembered that the Filipinos issued a declaration of independence last summer, before the treaty was negotiated. Opposition to the treaty could not have caused a desire for independence which was expressed before the treaty was made. \* \* \*

The American people can not apply the European and monarchical doctrine of force in the subjugation and government of alien races, and at the same time stand forth as defenders of the principles embodied in the Declaration of Independence and in the Constitution. A man may live a double life when only one of his lives is known, but as soon as his duplicity becomes manifest to the world he can lead but one life, and that the worst. As soon as we establish two forms of government, one by consent, in this country, and the other by force, in Asia, we shall cease to have influence of a republic, and shall join in the spoliation of a helpless people, under the pretense of conferring upon them unsought and undesired blessings.

Independence for the Filipinos, under a protectorate which will guard them from outside interference, while they work out their own destiny, is consistent with American tradition, American history and American interests. The sooner the declaration is made the better.

And after the ratification of the treaty Mr. Bryan further urged as follows:

The treaty extinguishes Spanish sovereignty, but it does not determine our nation's course in dealing with the Filipinos. In the opinion of many (and I am among the number) the ratification of the treaty, instead of closing the door to independence, really makes easier the establishment of such a government in the Philippine Islands. The matter is now entirely within the control of Congress, and there is no legal obstacle to prevent the immediate passage of a resolution promising self-government to the Filipinos and pledging the United States to protect their government from outside interference. If we have a right to acquire land we have a right to part with it; if we have a right to secure by purchase from Spain, we certainly have a right to give a quit-claim deed to the party in possession. \* \* \*

But the failure of the Peace Commissioners to secure for the Filipinos the same rights that were obtained for the Cubans, could have been easily remedied by a resolution declaring the nation's purpose to establish a stable and independent government.

It is still possible for the Senate alone, or for the Senate and House together, to adopt such a resolution.

The purpose of annexationists, so far as that purpose can be discovered, is to apply to the government of the Filipinos methods familiar to the people of Europe and Asia, but new in the United States.

The utterances here presented are a few only taken from the constant and consistent advocacy of Mr. Bryan of the thing to be done in the Philippines—the thing which is right, which is politic—and which when done will be the grandest proof to all the world that the American people still believe in and will main-



tain around the world, if need be, that Declaration which their fathers proclaimed, and fought and died for.

#### THE THING TO DO.

To know the truth and do the right,  
Is better than to bravely fight,  
Led on by base and crafty lies,  
To uphold doctrines we despise.

When wrong is done the thing to do  
Is to declare the right anew;  
That nation moves to nobler life  
That justly ends an unjust strife.

Affirm to brown men the same right  
For which our fathers made their fight.  
Proclaim the Declaration grand  
Of Seventy-Six throughout their land.



## CONTENTS.

---

The Problem of the Philippines—The Record.

---

The Philippine Insurrection and the Spaniards — General  
Greene's Statement.

---

Consul Pratt's Foresight and the Consequences Thereof.

---

Consul William's Diplomacy, Hopes and Disappointments.

---

Consul Wildman's Magnanimity and Its Rebuke.

---

Admiral Dewey—His Deeds and Telegrams.

---

General Aguinaldo and the Filipinos, their Hopes and Strivings.

---

General Anderson's Relations with General Aguinaldo and  
the Filipinos.

---

The Making of the Treaty of Peace with Spain—The Protocol  
and the Solar Plexus—Spanish Diplomacy and  
Presidential Finesse.

---

The Treaty of Peace, How it Differs from all Other Territory  
Acquiring Treaties of the United States—  
Citizenship and Vassalage.

---

The Purpose Revealed—Proclamation of Sovereignty Precedes  
the Ratification of the Treaty—Usurpation at  
Home and Abroad.

---

What is an Ally—General Aguinaldo and General Merritt—  
The Siege and Surrender of Manila.

---

The Constitution of the Philippine Republic Adopted January  
20th, 1899—Comments of the Philippine  
Commission Thereon.

---

The Philippine Commission and the Philippine People—  
Wise Men and Babes.

---

The Plan of Government Proposed for the Philippines—The  
British Crown Colony—The Libel on Jefferson.

Civil Service in the Philippines—The Political "Pull"—High Salaries—Life Tenure of Office—And Office Bureaucracy.

---

The Philippines—Climate, Products, Resources, and Development.

---

The Philippine People—Their History, Characteristics and Customs.

---

The Filipino and the Pharisee—Moral Problems—The Friars and the "Dead Hand."

---

Asiatic Victories and John Bull's Advice.

---

The Making of the Stars and Stripes—The "Song of Washington"—The Flag and the Constitution.

---

The Constitution of the United States—Constructions Put Upon It—Outlines of Discussion of the Same. .

I.—The Purpose for which the Constitution was Established.

II.—The Limitations of Power Contained in the Constitution.

III.—The Area or Territory over which the Constitution was Established.

IV.—The Power to Acquire Territory Under the Constitution.

V.—The Power of Congress to Govern Area or Territory of the United States.

---

Day Dreams, Banquets, and Anglo-American Alliance.

---

Commerce, Asiatic Trade and the World's Trade—The Open Door and the Door Shut.

---

Chinese and Japanese Labor in the United States—Report of the Philippine Commission upon Chinese Labor in the Archipelago.

---

The Union of Caste and Monopoly—Imperialism and Militarism. The President's God Father—Democracy's Peril.

---

Things Done, and Things Not Done—The Party Platforms Concerning the Philippines—Mr. Bryan's Views—The Thing to Do.